

Chapter 5 **Comments and Coordination**

5.1 Introduction

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the necessary scope of environmental documentation, the level of analysis, potential impacts and mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including monthly Project Development Team (PDT) meetings, interagency coordination meetings, resource agency meetings, and consultation with interested parties. This chapter summarizes the results of the California Department of Transportation's (Caltrans) and the Foothill/Eastern Transportation Corridor Agency's (F/ETCA) efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

5.2 Scoping Process

5.2.1 Notice of Preparation, Notice of Intent, Public Notice

The scoping process for the Proposed Project was initiated with the preparation and distribution of a Notice of Preparation (NOP) and the publication of a Notice of Intent (NOI) in the Federal Register. The formal scoping process period was initiated on March 13, 2015, and ended on April 13, 2015.

The NOP was posted at the State Clearinghouse (SCH No. 1989010410) and was circulated to public agencies and other interested parties in compliance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines on March 13, 2015, for a 30-day review period, which began March 13, 2015, and ended on April 13, 2015. The NOP was also posted at the Orange County Clerk-Recorder's Office on March 13, 2015. The NOP notified the public of the Supplemental Environmental Impact Report/Environmental Impact Statement (EIR/EIS) being prepared and the steps to take in providing comments on the Proposed Project.

The NOI was published on March 20, 2015, in the Federal Register in compliance with Federal Regulation 40 Code of Federal Regulations (CFR) 1508.28. The NOI included the background of the Proposed Project, the project Purpose and Need, a brief description of the Build Alternative and how to provide comments on the Proposed Project.

A public notice was prepared and distributed to inform the public that a Supplemental EIR/EIS was being prepared for the Proposed Project. The public notice, NOP, and NOI were distributed to federal, State, regional, county and local agencies; elected officials; special districts; groups and organizations; and businesses and property owners within 0.25 mile (mi) of the project footprint. The public notice requested input on the Proposed Project as well as whether or not a Public Information Meeting was desired. The public notice, NOP, and NOI were distributed to federal, State, regional, county and local agencies; elected officials; and special districts via FedEx Ground and to occupants and property owners within 0.25 mi of the project footprint via United States Mail.

Copies of the NOP, NOI, and Public Notice are provided at the end of this chapter.

5.2.2 Comments Received During Scoping

A total of 10 written comment letters were received on the NOP and NOI from federal, State, regional, and local agencies via letters. Key issues noted in the comments included, but were not limited to:

- Air Quality
- Biological Resources
- Land Use
- Utilities
- Cumulative Impacts

The comment topic, agency, and comments are provided in Table 5.1 below.

No comment letters were received from the public.

A Public Information Meeting was not held for the Proposed Project because there was a Public Scoping Meeting held for the ETC Final EIR and Final EIS; the Build Alternative for this Supplemental EIR/EIS was a component of the ETC alternatives for the EIR/EIS; and no comments were received during the NOI/NOP requesting a Public Information Meeting.

Table 5.1 Comments Received During Scoping

Topic	Agency	Comment	Response
Air Quality Traffic	USEPA	The analysis should accurately reflect how the proposed project will affect traffic distribution, congestion, and emissions in the project area in light of the changes that have occurred in the last twenty years.	The Traffic Analysis Report analyzed Study Area impacts. Refer to Section 3.5 of this document. Based on the project traffic data, the Proposed Project would result in only nominal increases in traffic volumes. Therefore, the Proposed Project would have no permanent direct or indirect regional vehicle emission impacts. Construction emissions were calculated for the Proposed Project. These are discussed in detail in Section 3.12.3 of this document.
Air Quality		The project's air quality impacts should be considered in the context of full build out of adjacent transportation infrastructure projects in the region and identifying the most stringent measures available to reduce air quality impacts during both construction and operation of the facility.	The VISSIM model developed for the <i>Traffic Analysis Report</i> was based on the SR-91 CIP Final Traffic Study Paramics model (prepared by Parsons Brinckerhoff for RCTC in 2009) and the SR-91/SR-241 Express Lane Direct Connector Traffic and Revenue Study VISSIM model (prepared by Stantec for OCTA and F/ETCA in 2011). Air quality impacts were evaluated based on the results of the <i>Traffic Analysis Report</i> .
Transportation/ Traffic Cumulative	RCTC	The proposed project must be compatible with the under-construction SR-91 Express Lanes Project as well as the SR-91/SR-71 Interchange Improvement Project.	The Proposed Project is consistent with these projects.
Transportation/ Traffic		Analyze and quantify impacts to existing 91 Express Lanes operations and maintenance, RCTC's 91 Express Lanes operations and maintenance planned to commence in 2018, and RCTC's estimated 91 Express Lanes toll revenue need.	Construction impacts are evaluated in Chapter 3. Toll operations are being coordinated between F/ETCA, OCTA, and RCTC and are evaluated in a separate Concept of Operations report.

Table 5.1 Comments Received During Scoping

Topic	Agency	Comment	Response
Air Quality	SCAQMD	The lead agency should follow the SCAQMD CEQA Handbook, use the CalEEMod Model, identify air quality impacts from all phases of the project, compare impacts to SCAQMD regional LST thresholds, and identify mitigation measures if needed,	The Air Quality Analysis was prepared consistent with Caltrans/FHWA guidance
Biological Resources	CDFW	<ul style="list-style-type: none"> Analyze: consistency with the WR-MSHCP; impacts to wildlife corridors; include mitigation for impacts to wetlands and riparian areas. Prepare a Jurisdictional Delineation Report. Comply with a Streambed Alteration Agreements. See take authorization under CESA if required. Include complete Purpose and Need and project alternatives. Evaluate impacts to special status and other species and habitats on site. Include appropriate measures to avoid, minimize, or mitigate impacts. 	The Draft Supplemental EIR/EIS analysis is consistent with these comments.
Utilities	City of Anaheim	Identify provider for temporary or permanent water service.	During construction, water would be provided by the contractor. During final design, irrigation supply will be coordinated between Caltrans, F/ETCA, and potential providers.
Cumulative	Riverside County Flood Control and Water Conservation District	The project may impact the United States Army Corps of Engineers Santa Ana River Mainstream Project.	The Proposed Project will not impact the Santa Ana River Mainstream Project.
Biological Resources	USFWS	<ul style="list-style-type: none"> Analyze: consistency with the WR-MSHCP; impacts to wildlife connectivity, wetlands and other sensitive habitat. Include complete Purpose and Need and feasible project alternatives. 	The Draft Supplemental EIR/EIS analysis is consistent with these comments.

Table 5.1 Comments Received During Scoping

Topic	Agency	Comment	Response
		<ul style="list-style-type: none"> Evaluate impacts to federal special status species and habitats on site. Include appropriate measures to avoid, minimize, or mitigate impacts. 	
General	Wildlife Corridor Conservation Authority	Add to contact list.	Added to mailing list.
General	SCAG	When available, send Draft Supplemental EIR/EIS to Los Angeles office.	Added to mailing list.
General	City of Corona Fire Department	Include in contact list.	Included in mailing list.

Caltrans = California Department of Transportation

CDFW = California Department of Fish and Wildlife

CEQA = California Environmental Quality Act

CESA = California Endangered Species Act

CIP = Corridor Improvement Project

EIR/EIS = Environmental Impact Report/Environmental Impact Statement

F/ETCA = Foothill/Eastern Transportation Corridor Agency

FHWA = Federal Highway Administration

LST = Localized Significance Threshold

OCTA = Orange County Transportation Authority

RCTC = Riverside County Transportation Commission

SCAG = Southern California Association of Governments

SCAQMD = South Coast Air Quality Management District

SR-91 = State Route 91

USEPA = United States Environmental Protection Agency

USFWS = United States Fish and Wildlife Service

WR-MSHCP = Western Riverside County Multiple Species Habitat Conservation Plan

5.3 Consultation and Coordination with Agencies

5.3.1 Consultation and Coordination with Cooperating and Participating Agencies

The *Efficient Environmental Review Coordination Plan SR-241/SR-91 Express Lanes Connector* for the Proposed Project documents the coordination of public and agency participation and comments received during the environmental review process. It is the responsibility of the lead agencies to develop the coordination plan to facilitate and document the interaction among the lead agencies, the participating and cooperating agencies, and the public.

As of October 1, 2012, MAP-21 made further amendments to the efficient environmental review process added by SAFETEA-LU and is codified at 23 United States Code (USC) Section 139. For this process, Caltrans sent letters inviting agencies to be Cooperating and/or Participating Agencies in the environmental process for the Proposed Project on March 12, 2015 (a sample of the Caltrans invitation letter is provided at the end of this chapter). Participating Agencies are federal, State, regional, or local agencies that may have an interest in the Proposed Project. The following agencies declined to be a Participating Agency for the Proposed Project:

- United States Department of Energy
- United States Forest Service
- United States Geological Survey
- National Marine Fisheries Service
- National Park Service
- California Air Resources Board
- California Department of Conservation
- California Office of Emergency Services
- California Energy Commission
- California Department of Forestry and Fire Prevention
- California State Lands Commission
- California Transportation Commission
- California Department of Water Resources
- Riverside County Transportation and Land Management Agency
- Nature Reserve of Orange County
- Orange County Clerk-Recorder

- Orange County Local Agency Formation Commission
- City of Irvine
- City of Orange
- City of Tustin

The following agencies agreed to become Participating Agencies for the Proposed Project:

- Orange County Transportation Authority (OCTA)
- Riverside County Transportation Commission (RCTC)
- United States Army Corps of Engineers (USACE)
- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife
- Santa Ana Regional Water Quality Control Board
- Southern California Association of Governments
- United States Environmental Protection Agency (U.S. EPA)
- CalRecycle
- California Highway Patrol
- California Office of Historic Preservation
- California Department of Parks and Recreation
- California Office of Planning and Research
- California Public Utilities Commission
- San Bernardino Associated Governments
- South Coast Air Quality Management District
- Orange County Flood Control District
- Orange County Parks
- Santa Ana Watershed Project Authority
- City of Anaheim
- City of Corona
- City of Yorba Linda

Copies of the acceptance letters and the declining email for participating agencies are provided as attachments to this chapter.

Cooperating Agencies are federal agencies that have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. Cooperating Agencies are also Participating Agencies. The

USACE agreed to be a Cooperating and Participating Agency for the Proposed Project.

A Coordination Plan under USC Section 139 was prepared and distributed to the cooperating and participating agencies along with a draft Purpose and Need statement for the Proposed Project and a draft Project Description on May 29, 2015.

Caltrans, as the Lead Agency, specifically requested the Participating and Cooperating Agencies to provide comments and input on the following topics:

- Project Purpose and Need
- Proposed range of alternatives

On August 3, 2016, Caltrans submitted a summary cover letter, the updated Coordination Plan, and a summary matrix of the anticipated socioeconomic and environmental impacts and methodologies to Participating and Cooperating Agencies for review and comment.

Coordination with the Cooperating and Participating Agencies for the Proposed Project is ongoing.

5.3.1.1 Coordination Plan Comments

Coordination Plan comments were received from OCTA and U.S. EPA on the Project Description, Purpose and Need, and Range of Alternatives on May 29, 2015, and June 29, 2015, respectively. No other comments on Purpose and Need or project alternatives were received.

On September 6, 2016, U.S. EPA provided comments and recommendations on the Evaluation Methodologies related to air quality and climate change after reviewing the updated Coordination Plan. No other comments were received.

Comments and responses are provided in Table 5.2.

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
Purpose	OCTA (5/29/15)	What does this mean? [bullet: Attain compatibility with the SR-91 mainline and Express Lanes]	The Proposed Project would be compatible with the existing SR-91 mainline and <i>91 Express Lanes</i> as well as the modifications that will occur as part of the SR-91 CIP.
Purpose	OCTA (5/29/15)	No access so no weaving. [bullet: To improve operations by reducing the weaving across multiple general purpose lanes between the SR-91 Express Lanes and the SR-241 general purpose lane connectors]	Weaving occurs where the <i>91 Express Lanes</i> currently end (which are being extended to I-15 as part of the SR-91 CIP).
Need	OCTA (5/29/15)	There is no access point at this location. [bullet: Northbound vehicles on SR-241 cannot access the eastbound SR-91 Express Lanes. Access from northbound SR-241 to eastbound SR-91 is provided by means of a two-lane connector that merges with the SR-91 general purpose lanes. As a result, weaving across multiple SR-91 general purpose lanes is required to access the SR-91 Express Lanes]	There is no direct access to the <i>91 Express Lanes</i> (which are being extended to I-15 as part of the SR-91 CIP) from SR-91.
Need	OCTA (5/29/15)	Connector is long enough to avoid weaving. [bullet: Westbound SR-91 Express Lane motorists cannot access southbound SR-241. Access from westbound SR-91 to southbound SR-241 is provided by means of a two-lane connector that diverges from the general purpose lanes. As a result, weaving across multiple SR-91 general purpose lanes is required to access SR-241]	There is no direct access from the <i>91 Express Lanes</i> (which are being extended to I-15 as part of the SR-91 CIP) to SR-241.
No Build Alternative	OCTA (5/29/15)	No access, no weaving. [bullet: Would maintain the existing connections to SR-241 and SR-91 in the Project Area resulting in increased weaving in both directions of SR-91 to access the SR-91 Express Lanes during peak hour traffic]	Weaving occurs where the <i>91 Express Lanes</i> currently end (which are being extended to I-15 as part of the SR-91 CIP).
Purpose and Need	U.S. EPA 6/29/15)	On bottom of Page 2, where the document discusses consistency with the General Plans of the counties and cities in the area, please add "to the extent consistent with Federal laws and regulations". Please also add this language to the end of the fifth bullet which discusses the County of Orange Master Plan. Because the proposed development identified in the General Plans and Master Plans cited have not yet demonstrated compliance with Federal laws and regulations, it is important to state the need to be consistent with local and regional planning with acknowledgement of Federal laws and regulations.	Please refer to Sections 1.2.1 and 1.2.2 of this document. The Purpose and Need was updated to focus on the Express Lanes Connector as part of the overall Eastern Transportation Corridor (ETC) project.

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
Project Alternatives	U.S. EPA (6/29/15)	Under the Build Alternative (Two-lane Express Lanes Connector), Page 3 states that the Windy Ridge Wildlife Undercrossing will be widened. The EPA recommends coordinating with U.S. Fish and Wildlife and California Fish and Wildlife on the design and construction of any changes to the undercrossing to minimize impacts to wildlife that use the undercrossing. Please also include in the Coordination Plan when this coordination will occur.	The widening of Windy Ridge Wildlife Undercrossing will be minimal and consistent with the existing undercrossing. This environmental document includes several measures to ensure the viability of this wildlife undercrossing. Caltrans and F/ETCA are and will coordinate with USFWS and CDFW regarding species and habitats under the agencies' jurisdiction at or near the wildlife crossing.
No Build Alternative	U.S. EPA (6/29/15)	In the final bullet listed under the No Build Alternative, please add the phrase, "as required by NEPA" to reflect that the No Build Alternative is required to be analyzed by NEPA (CEQ regulations, 40 CFR Part 1502.14(d)).	This request is not consistent with FHWA guidelines; therefore, no change was made to the Draft Supplemental EIR/EIS.
Air Quality	U.S. EPA (9/6/16)	Since this project is located in an area that is designated as non-attainment for PM _{2.5} and attainment/maintenance for PM ₁₀ , and the initial analysis shows that there will be short-term degradation of air quality during construction, it is critically important that impacts to air quality be accurately analyzed, disclosed, and reduced as much as possible.	Detailed construction-related PM ₁₀ and PM _{2.5} emission analysis is presented in Table 3.12.8, under Section 3.12.3.3, Temporary Impacts, in the Draft Supplemental EIR/EIS. Measures AQ-1 through AQ-5 are included in Section 3.12 of the Draft Supplemental EIR/EIS to avoid and/or minimize short-term construction air quality effects.
Air Quality	U.S. EPA (9/6/16)	Include additional applicable Air Quality Impact Minimization Measures, including the following, that are available to reduce adverse effects during construction and operation of the project: Solicit bids that include use of energy and fuel-efficient fleets.	Additional measures to include vehicle fleet language in contractor bids are not warranted because of the existing regulations. ARB's Off-road vehicle regulation contains restrictions on adding older vehicles to a construction fleet. ARB received authorization from the U.S. EPA on September 13, 2013, to enforce the Off-Road regulation's restrictions on fleets adding vehicles with older tier engines. Effective January 1, 2016, a fleet may not add a vehicle with a Tier 0 or Tier 1 engine to its fleet. Beginning January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet may not add a vehicle with a Tier 2 engine to its fleet. The engine tier must be Tier 3 or higher. Since fuel-efficient tier engine fleets are covered under California regulation, further fuel-efficient fleet minimization measures are not warranted.
Air Quality	U.S. EPA (9/6/16)	Solicit construction bids that use BACT, particularly those seeking to deploy zero emission technologies.	According to the ARB's Off-road vehicle regulation in complying with BACT requirements, if a fleet cannot, or does not want to, meet the fleet Tier engine average target in a

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
			given year, it may instead choose to comply with the BACT requirements. A fleet may meet the BACT requirements each year by turning over or installing Verified Diesel Emission Control Strategies (VDECS) on a certain percentage (referred to as the BACT rate) of its total fleet horsepower. In summary, the ARB's Off-road regulation offers construction contractors two choices for complying with the off-road regulation. Since the BACT is covered under California regulation, inclusion of additional BACT minimization measures is not warranted.
Greenhouse Gas Emissions/ Climate Change/ Air Quality	U.S. EPA (9/6/16)	Employ the use of alternative fueled vehicles.	The use of alternative fueled vehicles would not be a feasible minimization measure due to the short-term 18-month duration for construction activities. Alternative fueled vehicles are available through market-based commercial vehicle sales. Several construction contractors have purchased hybrid-fueled and electric light-duty vehicles under the market-based commercial sales. Since the alternative fueled vehicle market is covered under California tax credit regulation, addition of an alternative fueled vehicle minimization measure is not warranted.
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	Use lighting systems that are energy efficient, such as LED technology.	Refer to Section 4.3.2.3 (2) Greenhouse Gas Reduction Strategies of the Draft Supplemental EIR/EIS. The following minimization measure is provided: <i>"The Proposed Project would recommend the use of energy efficient lighting, such as light emitting diode (LED) traffic signals. LED bulbs—or balls, in the stoplight vernacular—cost \$60 to \$70 apiece but last 5 to 6 years, compared to the average 1 year lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Proposed Project's CO₂ emissions."</i>

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	Use the minimum amount of greenhouse gas (GHG)-emitting construction materials that is feasible.	<p>Recycled cement-concrete pavement and asphaltic pavement materials will be used, which will help reduce GHG emissions as compared to the use of raw material for roadway pavements. Refer to Section 4.3.2.3 (1), Greenhouse Gas Reduction Strategies, of the Draft Supplemental EIR/EIS. The following minimization measure is provided:</p> <p><i>Landscaping reduces surface warming, and through photosynthesis, decreases CO₂. Landscaping would be provided where necessary within the corridor to provide aesthetic treatment, replacement planting, or mitigation planting for the Proposed Project. The landscape planting would help offset any potential CO₂ emissions increase.</i></p> <p>Additional measures for the use of less GHG-emitting materials are not warranted.</p>
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	Use cement blended with the maximum feasible amount of alternative materials (industrial materials designated for re-use, for example) that reduce GHG emissions from cement production.	Using blended materials is a non-standard Caltrans Specification and will be considered by Caltrans and F/ETCA during final design.
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	Use lighter-colored pavement where feasible.	Concrete (light color pavement) will be used along SR-91, which matches the existing pavement. SR-241 will be HMA (asphalt), which matches the existing pavement along the SR-241.
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	Recycle construction debris to maximum extent feasible.	Caltrans projects use construction products, some of which are, or could be, recycled-content products (RCP). Recycled road base is aggregate made from crushed demolition concrete and/or asphalt concrete (AC), road base, or glass. According to the Caltrans 2015 Standard Specifications, construction contractors and concrete suppliers are required to accept and use recycled materials in order to perform the work and/or supply concrete. Since the recycled construction material is covered under Caltrans 2015 Standard Specifications, further measures for recycling of construction debris are not warranted.

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	Plant shade trees in or near construction projects where feasible.	Refer to Section 3.6, Visual/Aesthetics, Measure V-7: <i>“Tree Planting. Permanently impacted Coast live oak, California walnut and sycamore trees will be replaced at a minimum 2:1 ratio. Heritage oaks (oaks greater than 36 inches dbh) will be replaced at a minimum 3:1 ratio.”</i>
Greenhouse Gas Emissions/ Climate Change/ Air Quality	U.S. EPA (9/6/16)	Use grid-based electricity for construction activities and/or onsite renewable electricity generation rather than diesel and/or gasoline powered generators.	Grid-based electricity will be used during construction. It is not anticipated that generators will be used during construction, except for emergency purposes.
Air Quality	U.S. EPA (9/6/16)	Please ensure that Air Quality Minimization Measure AQ-5 is consistent with current California Air Resource Board Regulations. ¹ AQ-5 states that all construction vehicles both on- and off-site shall be prohibited from idling in excess of 11 0 minutes.	According the ARB's Off-road regulation, an operator of applicable off-road diesel vehicles (self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on-road) is required to limit idling to no more than five minutes. It should be noted that there is a difference between diesel- and gasoline-powered vehicles, and on- and off-road vehicles. ARB off-road diesel regulation is applicable to diesel vehicles only. Measure AQ-5 covers all construction vehicles including gasoline-powered and on-road vehicles.
Greenhouse Gas Emissions/ Climate Change	U.S. EPA (9/6/16)	The National Climate Assessment (NCA) ² is a federal information resource on emerging climate science to inform government decision making. The NCA details observed and projected climate change for our nation, and our Southwest region. The NCA indicates that climate change could result in California experiencing poor air quality; more severe heat; increased wildfires; shifting vegetation; declining forest productivity; decreased Spring snowpack; water shortages and prolonged drought; potential reduction in hydropower; loss in winter recreation; agricultural damages from heat, pests, pathogens, and weeds; and rising sea levels resulting in shrinking beaches and increased coastal floods. On August 2, 2016, the Council on Environmental Quality (CEQ) released final guidance for Federal agencies on how to consider the impacts of their actions on climate change in their NEPA	Refer to the GHG section in Chapter 4, CEQA Evaluation, of the Draft Supplemental EIR/EIS. In their transmittal of the CEQ Guidance to Division Heads, the FHWA's Office of Planning, Environment and Realty provided direction that the Guidance applies to new proposed federal agency actions where an Environmental Assessment or an EIS commences on or after the release date of the CEQ guidance, August 2, 2016. The Draft Supplemental EIR/EIS was initiated before August 2, 2016, and therefore, the guidance does not apply to this document.

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
		<p>reviews. This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas (GHG) emissions, and the implications of climate change for the environmental effects of a proposed action.</p> <p>CEQ recognizes that many agency NEPA analyses to date have concluded that GHG emissions from an individual agency action will have small, if any, potential climate change effects. Government action occurs incrementally, program-by-program and step-by-step, and climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, including decisions made by the government. Therefore, the statement that emissions from a government action or approval represents only a small fraction of global emissions is more a statement about the nature of the climate change challenge, and is not an appropriate basis for deciding whether to consider climate impacts under NEPA. Moreover, these comparisons are not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations.³</p> <p>CEQ also suggests that if an agency determines that evaluating the effects of GHG emissions would not be useful in the decision making process and to the public to distinguish between the proposed action, alternatives and mitigations, the agency should document the rationale for that determination.</p>	
		<p>The table of Evaluation Methodologies and Project Impacts should include an entry for Climate Change and the SD EIS should estimate the GHG emissions and use the projected emissions to distinguish between the proposed action, alternatives and mitigations.</p>	<p>Chapter 4, Table 4.1, of the Draft Supplemental EIR/EIS includes the project-related regional GHG emissions. Both the future with project and future No Build conditions show decreases in CO₂ emissions over existing levels.</p>

Table 5.2 Coordination Plan Comments

Topic	Agency	Comment	Response
Greenhouse Gas Emissions/ Climate Change		The SD EIS should consider how climate change could affect the project area, specifically within sensitive areas, and assess how the projected impacts of the project could be exacerbated by climate change.	Refer to Section 4.3.2.4, Adaptation Strategies. The following discussion is provided: "...the Proposed Project is outside the coastal zone and direct impacts to transportation facilities due to projected sea level rise are not expected."
Community Impacts	U.S. EPA (9/6/16)	The SD EIS should identify any sensitive receptors, such as schools and hospitals, as well as any anticipated effect to such receptors, in the Community Impacts section. Include mitigation measures to reduce any effects identified.	Impacts to sensitive receptors adjacent to the project area (residents and park occupants) are discussed in Section 3.3 of the Draft Supplemental EIR/EIS.
Transportation/ Traffic	U.S. EPA (9/6/16)	The Traffic analysis concludes that a permanent impact from the project is that traffic would shift from other regional routes to SR-241 as a result of the new connector. The SDEIS should provide details on the types of vehicles (trucks vs. cars) that will shift from other regional routes to SR-241 when the new connector opens.	<p>Section 3.5.3.2, Volume Served, of the Draft Supplemental EIR/EIS, discusses the number of vehicles that would shift in the AM and PM peak periods in 2017 and 2040.</p> <p>This section has been revised to include the percent of shifting vehicles that are trucks (5 percent) in the AM and PM peak periods in 2017 and in the AM peak period in 2040.</p> <p>The forecasts show that the project will not cause traffic to shift from eastbound SR-91 or other routes (i.e., surface streets or SR-55) to northbound SR-241 in the 2040 PM peak period due to the improvements in operations associated with the Ultimate SR-91 CIP improvements.</p>

¹ [http://www.arb.ca.gov/enf/advs/advs377 .pdf](http://www.arb.ca.gov/enf/advs/advs377.pdf)

² <http://nca2014.globalchange.gov/>

³ Council on Environmental Quality. *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, August 2016.

ARB = California Air Resources Board

BACT = best available control technology

Caltrans = California Department of Transportation

CDFW = California Department of Fish and Wildlife

CEQ = Council on Environmental Quality

CFR = Code of Federal Regulations

CIP = Corridor Improvement Project

F/ETCA = Foothill/Eastern Transportation Corridor Agency

FHWA = Federal Highway Administration

I-15 = Interstate 15

NEPA = National Environmental Policy Act

OCTA = Orange County Transportation Authority

PM₁₀ = particulate matter less than 10 microns in size

PM_{2.5} = particulate matter less than 2.5 microns in size

SR-91 = State Route 91

SR-241 = State Route 241

USEPA = United States

USFWS = United States Fish and Wildlife Service

5.3.1.2 Public Hearing

A public hearing will be held during the public circulation period for this Environmental Document. After comments are received on this document, a Final Environmental Document will be prepared, addressing all comments.

5.3.1.3 Single Final EIS and ROD Document

Pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), Caltrans intends to issue a single document that consists of the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) unless it is determined that statutory criteria or practicability considerations preclude issuance of such a combined document.

Concurrent with the start of public review for this Draft Supplemental EIR/EIS, letters will be submitted to the Cooperating Agency explaining Caltrans' intent to combine the FEIS and the ROD and soliciting input. This provides the Cooperating Agency with the opportunity to express its views regarding the use of a combined FEIS and ROD for the Proposed Project. This will assist Caltrans in making a determination whether combining the FEIS/ROD is practicable or whether it is appropriate to issue the documents separately.

5.3.2 Biological Resources Consultation

The F/ETCA conducted early coordination with the USFWS regarding the proposed amendment to the Biological Opinion for the ETC project. The Biological Opinion was received from the USFWS for the ETC on July 6, 1994 (No. 1-6-94-F-17).

Valarie McFall, Chief Environmental Planning Officer, emailed Jonathan Snyder, USFWS Division Chief, on October 25, 2010, regarding the potential to create coastal sage scrub habitat and restore cactus scrub on 15 acres of property in the City of Irvine (Strawberry Farms) just south of the Strawberry Farms Golf Course near the Sand Canyon Reservoir. On February 9, 2011, Mr. Snyder responded (USFWS reference: FWS-OR-11B0165-11TA0284) favorably, subject to review and approval of a restoration plan, that the area could conceptually be used to offset impacts to coastal sage scrub and cactus scrub associated with future TCA projects. A restoration plan was prepared and the USFWS approved that plan.

On May 19 and June 15, 2011, September 9, 2013, and December 1, 2014, preliminary lists of threatened or endangered species that may occur in the Biological Study Area (BSA) were obtained from the USFWS Information Planning and Conservation (IPaC) online database. USFWS official species lists were obtained on January 22, 2014, February 2, 2015, February 11, 2016, and September 16, 2016.

On January 27, 2014, Ms. McFall of F/ETCA spoke with Mr. Snyder of the USFWS regarding the consultation process for the Proposed Project. The Biological Opinion for the ETC (No. 1-6-94-F-17) was issued to the Federal Highway Administration (FHWA). Since that time, FHWA has delegated National Environmental Policy Act (NEPA) responsibilities, including Section 7 consultation, to Caltrans. As a result, Caltrans will initiate Section 7 consultation with the USFWS for the Proposed Project. The consultation will result in a new Biological Opinion, addressing the revisions to the details of the Project Description to reflect the Proposed Project. Coordination between Caltrans/F/ETCA and USFWS is ongoing.

On July 23, 2015, per a September 22, 2015, email from Kedest Ketsela of Caltrans to Ingrid Quon of LSA Associates, Inc. (LSA), Sally Brown of the USFWS brought the following issues to F/ETCA: (1) CAGN occurrences and designated critical habitat are in the Project Area and Project Vicinity; (2) Braunton's milk-vetch occurrences and designated critical habitat are adjacent to the Project Area; (3) Santa Ana sucker and its designated critical habitat are north of the SR-91 portion of the Project Area; and (4) the Proposed Project may extend farther east than proposed for coverage by the original Biological Opinion and the incidental take authorization pursuant to the Habitat Conservation Plan (HCP). (Note that the entire footprint of the ETC was included in the original Central/Coastal NCCP/HCP and has thus been fully mitigated.)

On September 9, 2015, Lisa Williams and Ms. Quon of LSA, Ms. McFall of F/ETCA, and Mr. Snyder of the USFWS held a conference call regarding Santa Ana sucker, least Bell's vireo, and southwestern willow flycatcher species and/or critical habitat in proximity to the BSA. Mitigation was discussed, and Mr. Snyder noted that determining the allowed take for the Proposed Project is not necessary as long as the Mitigation and Minimization Measures are consistent with the NCCP/HCP.

On March 10, 2016, a conference call with Mr. Snyder and Ms. Brown of the USFWS, Ms. McFall of F/ETCA, Mr. Baker and Ms. Ketsela of Caltrans, and Art Homrighausen, Richard Erickson and Ms. Williams of LSA was conducted. CSS habitat and what was covered under the 1994 Biological Opinion for the ETC and what was not covered by this Biological Opinion were discussed during the call. The participants agreed that areas along SR-91 east of the boundaries of the mapping for the ETC Final EIR and Final EIS and technical reports were not covered in the 1994 Biological Opinion. Ms. Brown had the following concerns:

- The potential for light and noise to have an indirect effect on least Bell's vireo in the Santa Ana River area during and/or after construction;
- The potential for indirect effects to Braunton's milk-vetch due to the close proximity to designated critical habitat for this species; and
- The potential for indirect effects to Santa Ana sucker and its designated critical habitat.

Mr. Snyder indicated that USFWS is now conducting informal Section 7 consultation for species with a "no effect" determination. The participants also agreed that a new Biological Opinion would be initiated for the Proposed Project.

5.3.3 Native American Consultation and Coordination

On April 6, 2011, a letter was sent to the Native American Heritage Commission (NAHC) requesting a search of the Sacred Lands File (SLF) in order to identify areas of religious or cultural significance to Native Americans in or near the Area of Potential Effects (APE). The NAHC responded on April 12, 2011, to say that while the SLF search did not identify any Native American cultural resources within a 0.5 mi radius of the APE, some resources have been recorded in proximity to the APE. The NAHC recommended contacting 11 Native American tribes/groups/individuals that may have additional information. A letter dated May 10, 2011, discussing the Proposed Project and requesting information on Native American heritage resources in the area that may be significant to their respective communities was sent via certified mail to the following:

- Ti'At Society/Inter-Tribal Council of Pimu: Cindi Alvitre, Chairwoman-Manisar
- Gabrielino Tongva Nation: Sam Dunlap, Chairperson
- Juaneño Band of Mission Indians Acjachemen Nation: David Belardes, Chairperson
- Juaneño Band of Mission Indians Acjachemen Nation: Anthony Rivera, Chairman
- Tongva Ancestral Territorial Tribal Nation: John Tommy Rosas, Tribal Administrator
- Gabrielino Tongva Indians of California Tribal Council: Robert Dorame, Tribal Chair/Cultural Resources
- Gabrieleno/Tongva San Gabriel Band of Mission Indians: Anthony Morales, Chairperson
- Juaneño Band of Mission Indians: Alfred Cruz, Cultural Resources Coordinator
- Gabrielino-Tongva Tribe: Bernie Acuna, Tribal Chairman

- Juaneño Band of Mission Indians Acjachemen Nation: Joyce Perry, Representing Tribal Chairperson
- Gabrielino-Tongva Tribe, Linda Candelaria, Chairwoman

Anthony Morales, Gabrielino/Tongva San Gabriel Band of Mission Indians, stated that he knows there are cultural resources around the base of the foothills, and hopes the Proposed Project proponents will be vigilant. Mr. Morales also stated he is aware that the Project Area is disturbed by previous freeway construction; however, he recommends monitoring by an archaeologist and a Native American when construction activities associated with the Proposed Project are in deeply buried intact native soil (i.e., when digging for the support structures) because there is the potential to encounter buried cultural resources. No initial responses were received from the other 10 parties contacted.

Two rounds of follow-up communications were attempted by email and/or telephone between May 31 and June 7, 2011. As a result of the follow-up communications, Robert Dorame, Gabrielino Tongva Indians of California Tribal Council, stated that he would like to be notified of any cultural resources discoveries. Alfred Cruz, Juaneño Band of Mission Indians, stated that he believes the Project Area to be sensitive for cultural resources given its proximity to the Santa Ana River. Mr. Cruz also stated that his people inhabited the area for over 9,000 years and SR-91 runs along what were once ancient travel and trading routes, and that there is no way to know the extent of what is located there. Mr. Cruz recommended monitoring by a Native American and an archaeologist when construction activities associated with the Proposed Project are in undisturbed native soil. Sam Dunlap, Gabrielino Tongva Nation, stated that if there is no potential for cultural resources to be impacted because construction will occur in previously disturbed soil, then he has no concerns. No further responses were received from any of the other Native Americans contacted.

The May 10, 2011, initiation letter and responses are provided at the end of this chapter.

5.3.4 Section 4(f) Consultation

On January 28, 2015, F/ETCA staff met with representatives from the County of Orange and Irvine Company to discuss the Proposed Project, which would include a cut slope with terrace- and down-drains south of SR-91. This project feature would encroach into Assessor's Parcel Number (APN) 085-071-56, owned by the County of

Orange and a part of the Gypsum Canyon Nature Preserve and the Irvine Ranch National Natural Landmark (NNL). Michael Haubert, Deputy County Counsel for the County of Orange, stated that he believed that the proposed work was consistent with the provisions of the Gift Deed, which transferred the property from Irvine Company to Orange County Parks. Mr. Haubert indicated that the Proposed Project improvements on the County parcel did not warrant a “Proposed Activity” and related “Approval Process” referenced within the Grant Deed of Conservation Easement. Mr. Haubert agreed with John Gump, Operations Manager, Orange County Parks, that the County would not want to maintain a property that was part of an F/ETCA project.

Subsequent to this meeting, F/ETCA staff met with Caltrans staff on June 3, 2015, to discuss potential right-of-way changes, maintenance of the slope, and required access. Caltrans indicated that preferred course of action would be for the State to permanently acquire this area of APN 085-071-56 as part of the Proposed Project and maintain it as part of the SR-91 right-of-way. It was determined that the area of land that would be acquired from APN 085-071-56 would be approximately 5 acres.

Caltrans submitted a letter to Mr. Gump dated October 13, 2015, which stated that while the extent of project improvements is under review, Caltrans has determined that the improvement at the Irvine Ranch NNL will be considered a de minimis impact per 23 CFR 774. This finding is based on the isolated nature and lack of recreational amenities on the subject parcel. The Proposed Project would result in direct use of the Irvine Ranch NNL through permanent acquisition of approximately 5 acres of this property; however, this use would not diminish the function of the NNL and the impacts do not adversely affect the activities, features, and attributes that qualify the property for protection under the requirements of Section 4(f). Further consultation will be conducted to confirm a de minimis impact finding of this direct use under Section 4(f). Appendix B contains the Resources Evaluated Relative to Requirements of Section 4(f) and Preliminary De Minimus Determination.

5.3.5 SHPO Consultation

Consultation with the State Historic Preservation Office was not required for this project per Stipulation IX.A of Caltrans' 2014 First Amended Section 106 Programmatic Agreement.

5.3.6 Interagency Coordination Regarding Air Quality (Transportation Conformity Working Group)

The Transportation Conformity Working (TCWG) is a forum to support interagency consultation to help improve air quality and maintain transportation conformity in southern California. The primary TCWG members are the U.S. EPA, the FHWA, and Caltrans Headquarters. At the TCWG meeting on March 25, 2014, the TCWG determined that the Proposed Project is not a Project of Air Quality Concern (POAQC). Changes to the Proposed Project geometrics and footprint were made in December 2014; as a result, the Proposed Project was resubmitted to TCWG for review. The May 2014 particulate matter less than 2.5 microns in size (PM_{2.5}) and particulate matter less than 10 microns in size (PM₁₀) hot-spot form was updated in March 2015 and submitted to and reviewed by the TCWG on April 28, 2015. At this meeting, TCWG confirmed that the Proposed Project is not a POAQC. A copy of the TCWG finding is provided at the end of this chapter.

5.4 Project Team Coordination

5.4.1 Project Development Team

A PDT was identified to ensure collaborative communication among the stakeholders, including representatives from Caltrans, F/ETCA, the OCTA, and the RCTC. Members include: F/ETCA Project Manager and Chief Environmental Planning Officer; Caltrans Project Manager, Senior Environmental Planner, Associate Environmental Planner, and Traffic Operations Specialist; and Consultants for RCTC, engineering, CEQA/NEPA compliance, and all technical areas discussed in this Environmental Document. The PDT was identified during for the preliminary study phase of the Proposed Project (i.e., Project Study Report/Project Development Support (PSR/PDS) phase of the project) in January 2011. The PSR/PDS phase was completed in January 2012 and the Project Approval/Environmental Document (PA/ED) phase was formally started in February 2013. PDT meetings have generally been conducted on a monthly basis starting in February 2013. The purpose of these meetings has been to discuss project-specific issues and work together to ensure that the Proposed Project meets the Purpose and Need and that these issues do not conflict with any plans, policies, or regulations.

5.4.2 Value Analysis Workshops

A project-specific Value Analysis (VA) was conducted on May 19, 20, and 21, 2015, during the early stage of the PA/ED phase of the Proposed Project. The VA team included the following members: Caltrans construction unit; F/ETCA engineering

roadway design, traffic, and structures; and the Project Designer's roadway design, structures, and construction members. A stakeholder group consisting of OCTA staff and Caltrans management staff participated in the interlocation, final presentation, and implementation meeting. Eight VA recommendations were considered to address the following four issues: improve traffic operations, minimize maintenance, accommodate future expansion, and improve constructability. A Preliminary VA Report (May 2015) was distributed to the VA team members and stakeholders for review. A VA Implementation Meeting was held on July 8, 2015. The purpose of that meeting was to review individual implementation action recommendations for responses, develop consensus for each VA recommendation, document the responses to each recommendation, and conclude decisions related to implementation. The VA recommendations have been analyzed as part of the Build Alternative. The Final VA Report was completed on October 1, 2015. A list of the VA design modifications is briefly discussed in Chapter 2.

Notice of Preparation, Notice of Intent, and Public Notice

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NOTICE OF PREPARATION

To: _____

From: California Dept. of Transportation
3347 Michelson Drive, Suite 100
Irvine, CA 92612

Subject: Notice of Preparation of a Supplemental Draft Environmental Impact Report

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Project Title: SR-241/SR-91 Express Lanes Connector Project

Project Location: Junction of SR-241 and SR-91; Orange County and Riverside County, California

Project Description: Median-to-median connector between SR-241 and the SR-91 Express Lanes

This is to inform you that the California Department of Transportation will be the lead agency and will prepare a Supplemental Draft Environmental Impact Report (Supplemental DEIR) for the project described below. Your participation as a responsible agency is requested in the preparation and review of this document.

We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Supplemental DEIR prepared by our agency when considering your permit or other approval for the project.

A project location map and further project description details are contained in the attached Public Notice.

A copy of the Initial Study (☐ is) (☒ is not) attached. Environmental effects anticipated for update in the Supplemental DEIR include: Land Use, Growth, Community Impacts, Utilities and Emergency Services, Traffic and Transportation/Pedestrian and Bicycle Facilities, Visual/Aesthetics, Cultural Resources, Water Quality and Storm Water Runoff, Geology/Soils/Seismic/Topography, Paleontology, Hazardous Waste/Materials, Air Quality/Climate Change, Noise, Energy, Biological Environment, and Cumulative Impacts. Topics that will not be included in the Supplemental DEIR are: Coastal Zone, Wild and Scenic Rivers, Farmlands/Timberlands, Hydrology and Floodplain. These topics will not be covered in the Supplemental DEIR because the Project, as originally approved, was found to not impact on these environmental parameters along the project limits and the proposed Project will not change that conclusion.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please direct your response to Bahar Heydari, (949) 724-2703, or at the following email address: D12.NOP241.91@dot.ca.gov. Please supply us with the name for a contact person in your agency.

Date 03/13/2015

Signature
Title

Amila Deshpande
Chief, Division of Environmental Analysis

NOTICE OF INTENT

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Orange County and Riverside County, California

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to advise the public that a Supplemental Draft Environmental Impact Statement (Supplemental Draft EIS) will be prepared for a proposed highway project in Orange County and Riverside County, California. The original Notice of Intent was published on October 22, 1986 and revised on March 16, 1988.

DATES: The deadline for comments is Monday, April 13, 2015.

FOR FURTHER INFORMATION CONTACT: Smita Deshpande; 3347 Michelson Drive, Suite 100; Irvine, CA 92612; (949) 724-2245; D12.NOP241.91@dot.ca.gov; Chief,

Division of Environmental Analysis. SUPPLEMENTARY INFORMATION:

Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Caltrans as the assigned National Environmental Policy Act (NEPA) agency, in cooperation with the United States Fish and Wildlife Service and United States Army Corps of Engineers, will

prepare a Supplemental Draft EIS on a proposal for a median-to-median connector between State Route 241 (SR-241) and the State Route 91 (SR-91) Express Lanes, project in Orange County and Riverside County, California.

The proposed median-to-median connector project encompasses 12-ORA-241 (PM 36.1/39.1), 12-ORA-91 (PM 14.7/18.9), and 08-RIV-91 (PM 0.0/1.5) for a length of approximately 8.7 miles. Anticipated federal approvals include an FHWA Air Quality Conformity Determination, Biological Opinion Amendment and permits under Section 404 and 401 of the Clean Water Act.

Caltrans District 12, in cooperation with the Foothill/Eastern Transportation Corridor Agency (F/ETCA), proposes to construct the median-to-median connector from State Route 241 (SR-241) to the State Route 91 (SR-91) Express Lanes. The proposed median-to-median connector is phase 2 of the Eastern Transportation Corridor (ETC) project previously approved in 1994. It will provide improved access between SR-241 and SR-91 and is proposed to be a tolled facility. Caltrans will be the lead agency for the project. The United States Army Corps of Engineers and the United States Fish and Wildlife Service were identified as cooperating agencies in the corresponding 1991 ETC Draft EIS and 1994 ETC Final EIS.

The SR-241/SR-91 Express Lane Connector was originally evaluated as a SR-241/SR-91 high-occupancy vehicle (HOV) direct connector in the 1991 ETC Draft EIS and 1994 ETC Final EIS (both of which studied a broader project area with improvements on SR-133, SR-241 and SR-261). The Systems Management Concept (SMC) for the ETC project proposed that the project would be staged, incorporating general purpose traffic

and eventually HOV lanes, to meet the forecasted demand. Under the SMC, ETC construction would be completed in one stage with three or more phases.

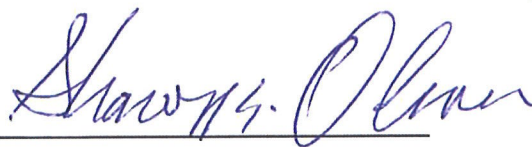
To implement Phase 2 of the ETC project, a Supplemental Draft EIS is being prepared to focus on the eastern portion of the original project and to address changes to environmental conditions and regulatory requirements. Various alternatives were studied in the 1991 ETC Draft EIS and 1994 ETC Final EIS; however, the Supplemental Draft EIS will include a No Build and one Build Alternative for the median-to-median connector only.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, cooperating agencies, participating agencies, local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Environmental Review of the project is anticipated to occur from 2015 through 2017. A public scoping meeting is not scheduled at this time; should you be interested, please let us know in writing. A public hearing will be held in 2016. Public notice will be given of the time and place of the hearing. The Supplemental Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Supplemental Draft EIS should be directed to Caltrans at the address provided above. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding

intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 16, 2015



Shawn Oliver

Team Leader, Right of Way and Environment

Federal Highway Administration

Sacramento, California

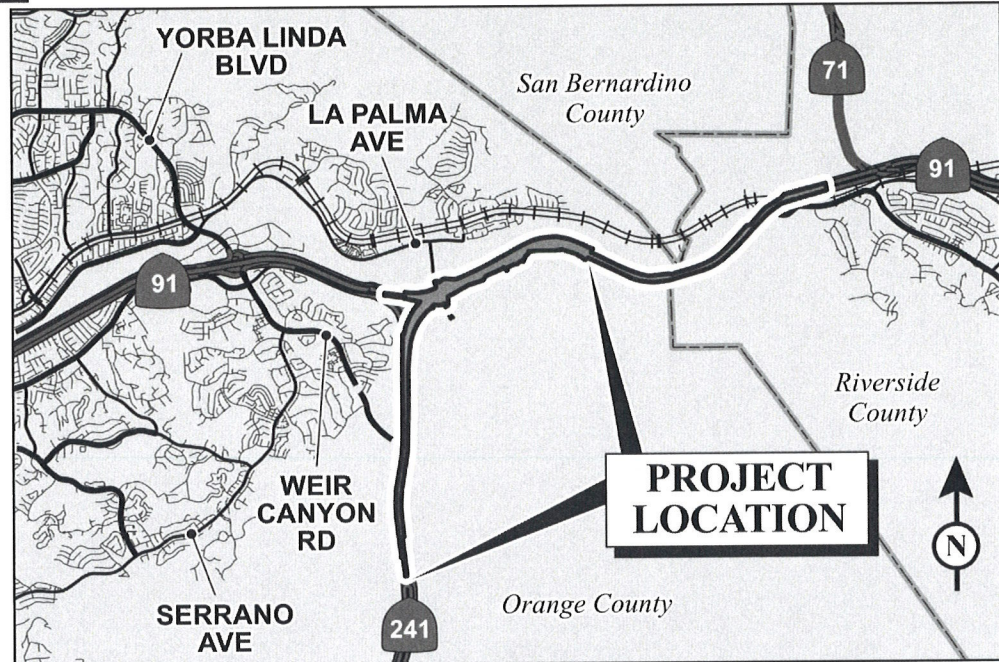


Transportation Corridor Agencies™

Public Notice

To Initiate Preparation of a Supplemental Draft
Environmental Impact Report/Statement

Proposed Changes for a SR-241/SR-91
Express Lanes Connector Project



WHAT'S BEING PLANNED

The California Department of Transportation District 12 (Caltrans), in cooperation with the Foothill/Eastern Transportation Corridor Agency (F/ETCA), proposes to construct a median-to-median connector between State Route 241 (SR-241) and the State Route 91 (SR-91) Express Lanes. The project, located at the junction of SR-241 and SR-91 and in the cities of Anaheim, Yorba Linda and Corona, Orange County and Riverside County, California, will provide improved access between SR-241 and SR-91 and is proposed to be a tolled facility. The proposed median-to-median connector project encompasses 12-ORA-241 (PM 36.1/39.1), 12-ORA-91 (PM 14.7/18.9), and 08-RIV-91 (PM 0.0/1.5) for a length of approximately 8.7 miles. Caltrans will be the lead agency and will prepare a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (Supplemental DEIR/DEIS) for the project.

WHY THIS AD

The proposed median-to-median connector is phase 2 of the Eastern Transportation Corridor (ETC) project previously approved in 1994. It was originally evaluated as a SR-241/SR-91 high-occupancy vehicle (HOV) direct connector in the 1991 ETC Draft EIR/EIS, 1992 ETC Final EIR, and the 1994 ETC Final EIS (all of which studied a broader project area with improvements on SR-133, SR-241 and SR-261). Various alternatives were studied in the 1991 ETC Draft EIR/EIS, 1992 ETC Final EIR and 1994 ETC Final EIS; however, this Supplemental DEIR/DEIS will study a No Build and one Build Alternative.

**WHAT'S
AVAILABLE**

The Notice of Preparation/Notice of Intent (NOP/NOI) is available at the following libraries and Caltrans and TCA website:

East Anaheim; 8201
East Santa Ana Canyon
Road; Anaheim, CA
92808; anaheim.net
(714) 765-3887

Corona Public; 650
South Main Street;
Corona, CA 92882;
coronapubliclibrary.org
(951) 736-2381

El Modena Branch; 380
South Hewes Street;
Orange, CA 92869;
cityoforange.org
(714) 288-2450

Caltrans Website:

<http://www.dot.ca.gov/dist12/DEA/241-91ELC/>

TCA Website:

<http://www.thetollroads.com/241-91connector>

**WHERE YOU
COME IN**

Do you have comments regarding the NOP/NOI? Or would you like a Public Information Meeting? Please submit your comments no later than April 13th, 2015, at 5:00 pm to Caltrans D12 Office, 3347 Michelson Drive, Suite 100, Irvine, CA 92612-8894 (Attn: Bahar Heydari) or via email: D12.NOP241.91@dot.ca.gov.

CONTACT

For further information contact: Bahar Heydari at 949-724-2703.

**SPECIAL ACCOM-
MODATIONS**

Individuals who require documents in alternative formats are requested to contact the District 12 Public Information Office at 949-724-2000. TDD users may contact the California Relay Service TDD line at 1-800-735-2929 or Voice Line at 1-800-735-2922.

Comment Letters on the Notice of Preparation and Notice of Intent

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CITY OF CORONA FIRE DEPARTMENT

735 PUBLIC SAFETY WAY • CORONA, CA 92880 • (951) 736-2220 • FAX (951) 736-2497
WWW.DISCOVERCORONA.COM

March 19, 2015

California Department of Transportation
Caltrans D12 Office
3347 Michelson Drive, Suite 100
Irvine, CA. 92612-8894

RE: Notice of Preparation of a Draft EIR SR-241/SR-91 Express Lanes Connector Project

To Whom It May Concern,

The Corona Fire Department is in receipt of your notice regarding the SR-241/SR-91 Project. Our Department does respond to your project area with the Orange County Fire Authority and the Anaheim Fire Department. Please include the Corona Fire Department in your scope of work so that we receive all notifications that would affect our Department's emergency response protocols to the project area.

If you have any questions, please feel free to call me directly at 951-736-2220.

Sincerely,

David Duffy
Fire Chief



South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

March 19, 2015

Bahar Heydari
California Department of Transportation
3347 Michelson Drive, Suite 100
Irvine, CA 92612

**Notice of Preparation of a CEQA Document for the
SR-241/SR-91 Express Lanes Corridor Project**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the CEQA document upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the lead agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: www.caleemod.com.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the lead agency quantify criteria pollutant emissions and compare the results to the recommended regional significance thresholds found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>. In addition to analyzing regional air quality impacts, the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is

recommended that the lead agency perform a localized analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Perspective*, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying possible mitigation measures for the project, including:

- Chapter 11 of the SCAQMD *CEQA Air Quality Handbook*
- SCAQMD's CEQA web pages at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>.
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions
- Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf?sfvrsn=4>.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's webpage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project emissions are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at Jwong1@aqmd.gov or call me at (909) 396-3176.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.

Program Supervisor

Planning, Rule Development & Area Sources



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 8, 2015

Ms. Bahar Heydari
California Department of Transportation, District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612
Bahar.Heydari@dot.ca.gov

Subject: Comments on the Notice of Preparation of a Supplemental Draft Environmental Impact Report for the SR-241/SR-91 Express Lanes Connector Project

Dear Ms. Heydari:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the SR-241/SR-91 Express Lanes Connector Project Supplemental Draft Environmental Impact Report (SDEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program.

The project area is located on State Route (SR-) 241 from post mile (PM-) 36.1 to PM 39.1 and on SR-91 from PM 14.7 to PM 18.9 in Orange County, and on SR-91 from PM 0.0 to PM 1.5 in Riverside County. The project involves a proposed median to median connector as phase 2 of the Eastern Transportation Corridor (ETC) project approved in 1994. The project provides for a tolled facility to improve connections between the roadways.

The Department offers the following comments and recommendations to assist the California Department of Transportation in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

1. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)
 - a) The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Plan Program (NCCP Program). Within the Inland Deserts Region, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

- b) Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <http://rctlma.org/epd/WR-MSHCP>.
- c) The eastern portion of the proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. Caltrans is the Lead Agency, and is signatory to the Implementing Agreement of the MSHCP.

2. Wildlife Corridors

- a) The project area includes important wildlife linkages at Gypsum and Coal Canyon in Orange County, and B Canyon in Riverside County. These are core wildlife dispersal corridors that link the Santa Ana Mountains to the Chino Hills-Puente Hills. Species of concern within this area include but are not limited to: mountain lion, bobcat, Santa Ana sucker, southwestern willow flycatcher, least Bell's vireo, and coastal California gnatcatcher. The forthcoming CEQA document should include an analysis of the potential impacts on wildlife movement through Gypsum, Coal, and B Canyon wildlife corridors, including impacts from construction noise, lighting, and increased human presence during construction, as well as from the project itself. Staging for the project within or adjacent to these corridors should be avoided, as should normal operational activities. The Department requests the impacts to wildlife connectivity from this project should be addressed in the document.

General Comments

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the SDEIR and must compensate for the loss of function and value of a wildlife corridor.

- a) The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the SDEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department.¹ Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
 - b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.²
2. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses

¹ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

² A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

3. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the SDEIR.
 - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
 - b) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources particularly wetlands. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

Biological Resources within the Project's Area of Potential Effect

4. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the SDEIR should include the following information.
 - a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the region.
 - b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>). The Department recommends that floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008¹). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
 - c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat,

¹ Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

- d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

Analyses of the Potential Project-Related Impacts on the Biological Resources

- 5. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the SDEIR.
 - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
 - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the SDEIR.
 - c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

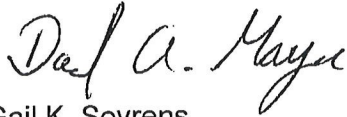
Mitigation for the Project-related Biological Impacts

6. The SDEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
7. For proposed preservation and/or restoration, the SDEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
8. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
9. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
10. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

Ms. Bahar Heydari
California Department of Transportation, District 12
April 8, 2015
Page 7 of 7

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Tim Dillingham at (858) 467-4250 and Tim.Dillingham@wildlife.ca.gov or Heather Pert at (858) 395-9692 and Heather.Pert@wildlife.ca.gov.

Sincerely,



FOR Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: Jeff Brandt, CDFW, Region 6
Heather Pert, CDFW, Region 6
Gabe Quillman, CDFW, Region 6
Sally Brown, U.S. Fish and Wildlife Service
Scott Morgan, State Clearinghouse



City of Anaheim PLANNING DEPARTMENT

April 13, 2015

Bahar Heydari
Caltrans District 12 Office
3341 Michelson Drive, Suite 100
Irvine, CA 92612-8894

by email to: D12.NOP241.91@dot.ca.gov

Subject: NOP/NOI for the Supplemental Draft Environmental Impact Report/Statement
for the Proposed Changes for a SR-241-SR-91 Express Lanes Connector
Project

Dear Ms. Heydari:

Thank you for the opportunity to review and comment on the above-referenced document. City of Anaheim staff offers the following comments:

1. Please notify the City of Anaheim, attn: Christine Saunders, as to the date, time and location of the public scoping meeting. Since the project is located within the City of Anaheim, the City requests that the Supplemental Draft EIR/EIS be provided for agency review and comment prior to the public hearing.

Planning Department: Planning Services Division

Please contact Christine Saunders at 714-765-5238 or csaunders@anaheim.net with questions pertaining to this section.

2. In August 2014, The Irvine Company permanently dedicated to the County of Orange the final 2,500 acres of land in the area of the City of Anaheim's Mountain Park Specific Plan as permanent open space. Therefore, the proposed development according to the Mountain Park Specific Plan is no longer expected to occur. However, the City's General Plan and Zoning Code still reflect the proposed development in the Mountain Park Specific Plan. Additionally, the development agreements between the City, County of Orange, and the Irvine Company are still in place. The General Plan and Zoning Code may be updated at a future time to reflect the permanent open space designation, once the development agreements are terminated.

Public Utilities Department: Water Engineering

Please contact Sara Mathis at 714-765-4298 or smathis@anaheim.net with questions pertaining to this section.

3. The Supplemental Draft EIR/EIS shall address Utilities – Water Service, specifically whether the project requires temporary or permanent water service, and if so, from which agency/provider.

Bahar Heydari
April 13, 2015
Page 2 of 2

Please forward any subsequent public notices regarding this project to my attention at the address listed at the bottom of the first page of this letter. If you have any questions regarding this response, please do not hesitate to contact Christine Saunders at (714) 765-5238 or csaunders@anaheim.net or me at (714) 765-4958 or skim@anaheim.net.

Sincerely,

A handwritten signature in blue ink that reads "Susan Kim". The signature is written in a cursive, flowing style.

Susan Kim, AICP, LEED AP ND
Acting Principal Planner

Cc: Christine Saunders, Planning Department
Sara Mathis, Public Utilities Department
Rafael Cobain, Public Works Department
Adrian Pauna, Public Works Department



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

April 13, 2015

Emailed this date to: D12.NOP241.91@dot.ca.gov

Ms. Bahar Heydari
Caltrans – District 12
3347 Michaelson Drive, Suite 100
Irvine, CA 92612-8894

Dear Ms. Heydari:

Re: Notice of Preparation/Notice of Intent
for the SR-241/SR-91 Express Lanes
Connector Project

This letter is written in response to the Notice of Preparation/Notice of Intent (NOP/NOI) for the SR-241/SR-91 Express Lanes Connector Project. The project consists of the construction of a median-to-median connector between SR-241 and SR-91 Express Lanes.

The District has reviewed the NOP/NOI and has the following comment/concern that should be addressed in the Supplemental Environmental Impact Report/Statement:

Construction of the project may affect the United States Army Corps of Engineers Santa Ana River Mainstream Project, which is designed to provide flood protection to the growing urban communities in Orange, Riverside and San Bernardino Counties. Please be sure to include an evaluation of the project's potential impacts on the Santa Ana River Mainstream Project.

Thank you for the opportunity to review the NOP/NOI. Any further questions concerning this letter may be referred to Kevin Cunningham at 951.955.1526 or me at 951.955.8581.

Very truly yours,


KRIS FLANIGAN
Engineering Project Manager

cc: Komy Ghods
Zully Smith

KCC:mcv
P8\169171



April 13, 2015

Ms. Bahar Heydari
California Department of Transportation, District 12
3347 Michelson Drive, Suite 100
Irvine, California 92612
Phone: (949) 724-2703
Email: D12.NOP241.91@dot.ca.gov

RE: SCAG Comment on the Notice of Preparation of a Draft Environmental Impact Report for the SR-241/SR-91 Express Lanes Connector Project [SCAG NO. IGR8410]

Dear Mr. Ross,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the SR-241/SR-91 Express Lanes Connector Project ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including its Sustainable Communities Strategy (SCS) component pursuant to SB 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.¹ Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of the regional goals and policies in the RTP/SCS.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the SR-241/SR-91 Express Lanes Connector Project in Orange County and Riverside County. The proposed project consists of the construction of a median-to-median connector between State Route 241 and the State Route 91 Express Lanes, a length of approximately 8.7 miles.

When available, please send environmental documentation to SCAG's office in Los Angeles or by email to sunl@scag.ca.gov providing, at a minimum, the full public comment period for review. If you have any questions regarding the attached comments, please contact Lijin Sun, Esq., Senior Regional Planner, at (213) 236-1882 or sunl@scag.ca.gov. Thank you.

Sincerely,

Ping Chang,
Program Manager II, Land Use and Environmental Planning

¹ SB 375 amends CEQA to add Chapter 4.2 Implementation of the Sustainable Communities Strategy, which allows for certain CEQA streamlining for projects consistent with the RTP/SCS. Lead agencies (including local jurisdictions) maintain the discretion and will be solely responsible for determining "consistency" of any future project with the SCS. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a finding of consistency under SB 375 for purposes of CEQA streamlining.

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**COMMENTS ON THE NOTICE OF PREPARATION OF
A DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE SR-241/SR-91 EXPRESS LANES CONNECTOR PROJECT [SCAG NO. IGR8410]**

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS.

2012 RTP/SCS Goals

The SCAG Regional Council adopted the 2012 RTP/SCS in April 2012. The 2012 RTP/SCS links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations (see <http://rtpscs.scag.ca.gov>). The goals included in the 2012 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2012 RTP/SCS are the following:

SCAG 2012 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and non-motorized transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the policy and supportive analysis in a table format. Suggested format is as follows:

SCAG 2012 RTP/SCS GOALS		
	Goal	Analysis
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>	Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>	Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference
etc.		etc.

RTP/SCS Strategies

To achieve the goals of the 2012 RTP/SCS, a wide range of strategies are included in SCS Chapter (starting on page 152) of the RTP/SCS focusing on four key areas: 1) Land Use Actions and Strategies; 2) Transportation Network Actions and Strategies; 3) Transportation Demand Management (TDM) Actions and Strategies and; 4) Transportation System Management (TSM) Actions and Strategies. If applicable to the proposed project, please refer to these strategies as guidance for considering the proposed project within the context of regional goals and policies. To access a listing of the strategies, please visit <http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf> (Tables 4.3 – 4.7, beginning on page 152).

Regional Growth Forecasts

At the time of this letter, the most recently adopted SCAG forecasts consists of the 2020 and 2035 RTP/SCS population, household and employment forecasts. To view them, please visit <http://scag.ca.gov/Documents/2012AdoptedGrowthForecastPDF.pdf>. The forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts		Adopted City of Corona Forecasts	
	Year 2020	Year 2035	Year 2020	Year 2035
Population	19,663,000	22,091,000	155,800	164,600
Households	6,458,000	7,325,000	46,100	48,800
Employment	8,414,000	9,441,000	88,300	105,000

	Adopted City of Anaheim Forecasts		Adopted City of Yorba Linda Forecasts	
	Year 2020	Year 2035	Year 2020	Year 2035
Population	369,100	405,800	69,700	69,400
Households	107,600	124,700	22,600	22,800
Employment	193,700	224,200	17,200	17,300

MITIGATION

SCAG staff recommends that you review the SCAG 2012 RTP/SCS Final Program EIR Mitigation Measures for guidance, as appropriate. See Chapter 6 (beginning on page 143) at: <http://rtpscs.scag.ca.gov/Documents/peir/2012/final/Final2012PEIR.pdf>

As referenced in Chapter 6, a comprehensive list of example mitigation measures that may be considered as appropriate is included in Appendix G: *Examples of Measures that Could Reduce Impacts from Planning, Development and Transportation Projects*. Appendix G can be accessed at: http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_ExampleMeasures.pdf



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-OR-14B0086-15CPA0224

APR 13 2015

Ms. Bahar Heydari
Associate Environmental Planner
California Department of Transportation
District 12
3347 Michelson Drive, Suite 100
Irvine, California 92612-1692

Subject: Notice of Intent (NOI) to Prepare a Draft Environmental Impact Statement (DEIS) for the SR-241/SR-91 Express Lanes Connector, Riverside and Orange Counties, California

Dear Ms. Heydari:

We have reviewed the above referenced NOI, which was received on March 13, 2015. We offer the following comments pursuant to the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), and in keeping with our agency's mission to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." We recently accepted your invitation to provide technical assistance as a participating agency in accordance with the project delivery provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for this project.

The project as proposed would construct a median-to-median connector between State Route 241 (SR-241) and the State Route 91 Express Lanes in Riverside County and Orange County, California. To facilitate the evaluation of the proposed project from the standpoint of fish and wildlife protection, we recommend that the DEIS include the following information:

I. General

- a. A description of the proposed project and the environment in the vicinity of the project, from both local and regional perspectives, including all practicable alternatives that have been considered to avoid and/or reduce project impacts to federally listed and other sensitive species and vegetation types (e.g., coastal sage scrub, riparian). Include specific acreages and descriptions of the types of wetlands, sage scrub, riparian, and other sensitive habitats that may be affected by the project alternatives as well as aerial photographs, mapping, and tables to summarize such information;
- b. Include detailed information on the number and distribution of all Federal candidate, proposed, and listed species, and their critical habitats; State-listed species; and locally

sensitive species on or near the project site that may be affected by the proposed project or project alternatives;

- c. Ensure that project information is collected on a sufficiently wide region such that the DEIS addresses the entire project footprint, including borrow and fill sites, staging areas, and fuel modification and maintenance zones, as well as areas that may be restored to offset these impacts; and
- d. An analysis of cumulative effects from proposed developments in the surrounding area, including past, present, and future SR-91 corridor projects and any associated mitigation with the potential to be impacted from the proposed project. Note that recently restored riparian habitat is present in the vicinity of the proposed project. The DEIS should document any proposed impacts to the habitats restored for mitigation in the project vicinity.

II. Orange County

- a. We are concerned about the effects of the proposed project on wildlife connectivity, including wildlife corridors at Gypsum Canyon and Coal Canyon (Missing Linkage SC 43 from Missing Linkages: Restoring Connectivity to the California Landscape Conference. 2000. <http://www.scwildlands.org/#projects>). We request that the DEIS include a detailed analysis of impacts of the proposed project on the movement of wildlife and measures proposed to avoid, minimize, and offset impacts to wildlife movement.

III. Riverside County

- a. On June 22, 2004, we issued a section 10(a)(1)(B) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. We recommend that the DEIS provide a thorough review of how the proposed project will reach consistency with the MSHCP. We request that this review include, but not be limited to, the following MSHCP objectives, permit conditions, policies, procedures and guidelines:
 - i. Species-specific objectives for MSHCP Covered Species that will likely be affected by the project (MSHCP volume II)
 - ii. Impacts to MSHCP Public/Quasi-Public (PQP) Lands, Existing Core A (MSHCP 3.2.3 page 3-31)
 - 1. See U.S. Fish and Wildlife Service MSHCP Permit (Permit) Condition 5 and 17. Permit and map available online:
<http://www.fws.gov/carlsbad/HCPs/WRivMSHCPBODocs.htm>
<http://www.wrc-rca.org/library.asp>

- iii. Impacts within MSHCP Criteria Cells 1612, 1616, 1702 and 1704 (MSHCP Table 3-17: pages 3-458 and 3-460)
- iv. Guidelines for the Siting and Design of Roads (MSHCP 7.5.1 page 7-80)
- v. General Construction Guidelines (MSHCP 7.5.3 page 7-87)
- vi. Guidelines for the Construction of Wildlife Crossings (MSHCP 7.5.2 page 7-81)
 - 1. Proposed constrained linkage 1 (PCL 1)(MSHCP 3.2.3 page 3-74)
 - a. "...as SR-91 intersects the Linkage [PCL1] at its northern terminus, an adequate wildlife underpass or overpass may need to be implemented to insure movement of species in this area and to reduce the chance of mortality from vehicle collision."
 - 2. Proposed constrained linkage 2 (PCL 2)(MSHCP 3.2.3 page 3-75)
 - a. "...as SR-91 intersects the Linkage [PCL2] at its northern terminus, an adequate wildlife underpass or overpass may need to be implemented to insure movement of species in this area and to reduce the chance of mortality from vehicle collision."
 - b. For PCL 1 and 2 see also Missing Linkages: Restoring Connectivity to the California Landscape. 2001. Missing Linkage SC 44
<http://www.scwildlands.org/#projects>
- vii. Best Management Practices (MSHCP Appendix C)
- viii. Fuels Management (MSHCP 6.4 page 6-72)
- ix. Guidelines Pertaining to the Urban/Wildlands Interface (MSHCP 6.1.4 page 6-42)
- x. Protection of Narrow Endemic Plant Species Policy (MSHCP 6.1.3 page 6-28)
 - 1. Narrow Endemic Species within Survey Area 7
 - a. San Diego ambrosia (*Ambrosia pumila*)
 - b. Brand's phacelia (*Phacelia stellaris*)
 - c. San Miguel savory (*Satureja chandleri*)

- xi. Additional Survey Needs and Procedures Policy (MSHCP 6.3.2 page 6-65)
 - 1. Burrowing Owl (*Athene cunicularia hypugaea*) Survey Area
- xii. Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools Policy (MSHCP 6.1.2 page 6-20)
 - 1. Riparian, riverine, vernal pool, and fairy shrimp habitat
 - 2. Riparian/Riverine and Vernal Pool Species
 - a. Vernal pool fairy shrimp (*Branchinecta lynchi*)
 - b. Riverside fairy shrimp (*Streptocephalus woottoni*)
 - c. Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
 - d. Southwestern willow flycatcher (*Empidonax traillii extimus*)
 - e. Least Bell's vireo (*Vireo bellii pusillus*)

We appreciate the opportunity to comment on the referenced NOI and to participate in the transportation planning process. If you have any questions regarding this letter, please contact Sally Brown of this office at 760- 431-9440, extension 278.

Sincerely,



~~for~~ Karen A. Goebel
Assistant Field Supervisor

cc:

Tim Dillingham, California Department of Fish and Wildlife, San Diego, CA 92123

Settle, Jean

Subject: FW: SR-241/SR-91 Express Lanes Connector Project-Initial Study

From: Judi Tamasi [<mailto:judi.tamasi@mrca.ca.gov>]
Sent: Wednesday, April 15, 2015 11:43 AM
To: D12 NOP241-91@DOT
Subject: RE: SR-241/SR-91 Express Lanes Connector Project-Initial Study

Hello, Can you please make sure that my agency is added to the contact list for future public review documents? Thank you.
Here is my contact information:

Judi Tamasi
Wildlife Corridor Conservation Authority
570 West Ave. 26, Suite 100
Los Angeles, California 90065
ph: 310-589-3230, ext. 121
fax: 310-589-2408
judi.tamasi@mrca.ca.gov

From: Judi Tamasi
Sent: Monday, April 06, 2015 4:51 PM
To: 'D12.NOP241.91@dot.ca.gov'
Subject: SR-241/SR-91 Express Lanes Connector Project-Initial Study

Hello,
I found the NOI and NOP on the website for this project. Is there an actual Initial Study that was prepared and is it available for public comment? Thank you.

Judi Tamasi
Wildlife Corridor Conservation Authority
570 West Ave. 26, Suite 100
Los Angeles, California 90065
ph: 310-589-3230, ext. 121
fax: 310-589-2408
judi.tamasi@mrca.ca.gov

Cooperating Agency Correspondence

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U.S. Army Corps of Engineers



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CA 90017-3401

May 1, 2015

Ms. Sylvia Vega
Deputy District Director
California Department of Transportation, District 12
Division of Environmental Analysis
3347 Michelson Drive, Suite 100
Irvine, CA 92612

Dear Ms. Vega:

I am responding to your invitation, dated March 13, 2015, for the U.S. Army Corps of Engineers (Corps) to be a cooperating agency on the preparation of a supplemental draft environmental impact statement (EIS) for the proposed ***State Route 241(SR-241) / State Route 91 (SR-91) Express Lanes Connector Project*** located in Orange and Riverside Counties, California. I understand the California Department of Transportation (Caltrans) has assumed the lead Federal agency responsibilities under the National Environmental Policy Act (NEPA) on behalf of the U.S. Department of Transportation, Federal Highway Administration, pursuant to 23 U.S.C. 327(a)(2)(A), and therefore, will prepare the EIS in accordance with the Council of Environmental Quality (CEQ) regulations on implementing NEPA procedures (40 C.F.R. Parts 1500 – 1508). In addition, your letter requests we be a participating agency as defined by the Efficient Environmental Review Process codified in 23 U.S.C. 139.

Based on our jurisdiction by law and special expertise pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344) and section 14 of the Rivers and Harbors Act (33 U.S.C. 408), the Corps accepts your invitation to cooperate and participate on the development of the SR-241 / SR-91 Express Lanes Connector Project EIS. We will do so based on the availability of our resources and funding and at a level commensurate with the extent of impacts to jurisdictional waters of the United States. As a cooperating agency, we anticipate our role will facilitate the Corps' ability to adopt Caltrans' Final EIS, or portions thereof, should we determine a need to do so to fulfill our independent NEPA responsibilities for our Federal action. The Corps expects to participate in the NEPA process in the following ways:

- Provide input on defining the purpose and need statement;
- Offer input on the range of alternatives to be evaluated in the EIS;
- Provide guidance on the methodologies and level of detail required in the alternatives analysis, including the requirements of the section 404(b)(1) Guidelines (as applicable);
- Issue an approved or preliminary jurisdictional determination (JD) to establish the Corps' geographic jurisdiction;
- Review of engineering and hydraulic analyses related to the effects of maintenance and operation of Corps-built flood control projects;

- 2 -

- Review and approve any compensatory mitigation measures for unavoidable impacts to waters of the United States (as applicable);
- Participate in coordination meetings and field visits; and
- Provide timely review comments on administrative draft and final and public versions of the NEPA document(s), including but not limited to, the adequacy of technical documents, alternatives considered, anticipated impacts to the aquatic ecosystem, study methodologies and proposed mitigation.

In addition, should the SR-241 / SR-91 Express Lanes Connector Project result in five or more acres of permanent impacts to waters of the United States, Caltrans would need to ensure the environmental review process follows the coordination, checkpoint agreement response, and dispute resolution procedures set forth in the *NEPA and Clean Water Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding* (April 2006).

As you complete your formal NEPA scoping process and begin to define the project purpose and need statement, identify significant issues to be considered in the EIS, and determine the range of alternatives that will be evaluated, we encourage you to find ways to avoid and minimize adverse impacts on the aquatic environment and to ensure your proposal is not contrary to the public interest. The Corps looks forward to working with you on the preparation of the EIS. Should you have any questions or require further information, please contact Ms. Veronica Li, Senior Project Manager, in our Transportation and Special Projects Branch at (213) 452-3292 or at Veronica.C.Li@usace.army.mil regarding CWA section 404 issues or Mr. Stephen Vaughn, in our Engineering Division at (213) 452-3654 or Stephen.H.Vaughn@usace.army.mil regarding 33 U.S.C section 408 issues. Alternatively, you may contact me at (805) 585-2152 or at Spencer.D.Macneil@usace.army.mil. Please refer to the Corps File No. SPL-2015-00304-VCL in all future correspondence.

Sincerely,

**MACNEIL.SPENCE
R.D.1228487852**

Digitally signed by
MACNEIL.SPENCE.R.D.1228487852
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=MACNEIL.SPENCE.R.D.1228487852
Date: 2015.05.01 12:34:07 -07'00'

Spencer D. MacNeil, D.Env.
Chief, Transportation & Special Projects Branch

Copies Furnished:

Ms. Connell Dunning, U.S. Environmental Protection Agency, Region IX
Mr. John Taylor, U.S. Fish and Wildlife Service
Ms. Bahar Heydari, Caltrans, Division of Environmental Analysis

Participating Agency Correspondence

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U.S. Department of Energy - Office of NEPA Policy and Compliance

From: Costner, Brian <Brian.Costner@hq.doe.gov>
Sent: Wednesday, March 25, 2015 9:48 AM
To: Heydari, Bahar@DOT
Subject: RE: Invitation to Become a Participating Agency for SR-241/SR-91 Express Lanes Connector Supplemental Draft EIS

Thank you for the March 13, 2015, invitation for the U.S. Department of Energy to be a participating agency in the above referenced EIS. DOE declines to be a participating agency because DOE has no jurisdiction, authority, or special expertise related to the proposed project, and does not intend to comment on the proposed project.

Let me know if you have any questions.

Brian Costner
Office of NEPA Policy and Compliance
U.S. Department of Energy
202-586-9924

U.S. Forest Service

From: Heys, Jeffrey A -FS <jaheys@fs.fed.us>
Sent: Wednesday, April 22, 2015 4:39 PM
To: Todd, Dale
Subject: RE: Caltrans Letter you Received..

Dear Mr. Todd,

The US Forest Service declines to be a NEPA Participating Agency for the SR-241 / SR-91 Express Lanes Connector Project for the following reasons: Our agency does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.

However, please continue to include our agency in the distribution list when the environmental document is released for public review.

Thank you,
Jeff



Jeff Heys
Forest Planner

Forest Service
Cleveland National Forest

p: 858-674-2959
f: 858-673-6192
jaheys@fs.fed.us

10845 Rancho Bernardo Road, Suite 200
San Diego, CA 92127
www.fs.fed.us



Caring for the land and serving people

U.S. Geological Survey-SAFRR

From: Dedeaux, Sandra <sdedeaux@usgs.gov>
Sent: Wednesday, April 22, 2015 11:49 AM
To: Todd, Dale
Subject: SR-241 / SR-91 Express Lanes Connector Project

U.S. Geological Survey declines to be a NEPA Participating Agency for the SR-241 / SR-91 Express Lanes Connector Project for the following reasons: Our agency does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.

--

Sandra Dedeaux
SAFRR Project
Natural Hazards Mission Area

U.S. Geological Survey
525 S Wilson Ave.
Pasadena, CA 91106
626-583-6797
626-583-6798 fax

National Marine Fisheries Service



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

March 26, 2015

Sylvia Vega
California Department of Transportation
Division of Environmental Analysis
3347 Michelson Drive, Suite 100
Irvine, CA 92612

Dear Ms. Vega:

On March 13, 2015, NOAA's National Marine Fisheries Service (NMFS) received the California Department of Transportation's (Caltrans) invitation to participate in the preparation and review of the Supplemental Draft Environmental Impact Report (Supplemental DEIR) for the State Route 241/State Route 91 Express Lanes Connector Project (proposed action) in Orange and Riverside Counties. Information contained in the invitation indicates the proposed action would occur near watersheds not occupied by the endangered Southern California Coast Distinct Population Segment of steelhead (*Oncorhynchus mykiss*) or designated critical habitat for this species protected under the U.S. Endangered Species Act. For this reason NMFS does not intend to participate or comment on the Supplemental DEIR.

NMFS appreciates Caltrans' notification of the proposed action and invitation to be a participating agency. Please contact Jay Ogawa at (562) 980-4061 or via email at jay.ogawa@noaa.gov if you have a question concerning this letter or if you require additional information.

Sincerely,

Alecia Van Atta
Acting Assistant Regional Administrator
California Coastal Area Office

cc: Mary Larson, CDFW, Los Alamitos



National Park Service - Pacific West Region

From: DeSantis, Justin <justin_desantis@nps.gov>
Sent: Tuesday, May 05, 2015 3:39 PM
To: Todd, Dale
Subject: SR 241/91 Express Lanes Connector Project

Dale,

In response to your invitation letter regarding the SR-241 / SR-91 Express Lanes Connector Project from earlier this spring, NPS declines to be a NEPA Participating Agency for the following reasons: our agency does not have jurisdiction, authority, or expertise/information relevant to the project; and, our agency does not intend to provide comments on the project.

There is no need to place NPS on the project mailing list, so you can hopefully save some paper there.

Best wishes for a successful project,

Justin De Santis

--

Justin De Santis, Federal Lands Transportation Program Coordinator
National Park Service, Pacific West Region
333 Bush Street, Suite 500, San Francisco, CA 94104
tel. (415) 623-2278

California Air Resources Board

From: Taylor, Jonathan@ARB [<mailto:jonathan.taylor@arb.ca.gov>]
Sent: Thursday, April 30, 2015 5:07 PM
To: Laboy, Kristal
Cc: O'Hara, Jennifer@ARB
Subject: FW: 241 91 ELC March 13 Package Copy

Hello Kristal,

Here is ARB's response:

ARB declines to be a NEPA Participating Agency for the SR-241/SR 91 express Lanes Connector project. Yes

Please continue to include our agency in the distribution list when the environmental document is released for public review. No

The local and regional agencies and the air district should be involved in this process, such that ARB involvement is not needed.

Thank you,

Jon

*Jonathan Taylor, P.E.
Chief, Transportation Planning Branch
Air Quality Planning and Science Division
California Air Resources Board
jtaylor@arb.ca.gov
Ph. 916-445-8699
FAX: 916-322-3646*

California Department of Conservation

From: Turner, Benjamin@DOC <Benjamin.Turner@conservation.ca.gov>
Sent: Friday, May 01, 2015 11:25 AM
To: Todd, Dale
Subject: RE: RE: SR 241 / SR 91 Express Lanes Connector Project..

Hi Dale,

Unless the proposed project is going to go through Williamson Act contracted lands, the Department of Conservation is indifferent.

Thanks,

Ben

From: Borack, Alexandra@DOC
Sent: Friday, May 1, 2015 11:19 AM
To: Turner, Benjamin@DOC
Subject: RE: RE: SR 241 / SR 91 Express Lanes Connector Project..

The only reason we would care would be if CalTrans wanted to acquire pieces of parcels under Williamson Act contract to expand the roadway. At that point DOC likes to remind CalTrans that they must go through the process outlined in the Gov Code for public acquisitions. It does not look like this project purports to do that, so the Department would have no concern with this project.

-Alexandra

California Office of Emergency Services

From: Evans, Terri@CalOES <terri.evans@CalOES.ca.gov>
Sent: Wednesday, April 29, 2015 1:26 PM
To: Laboy, Kristal
Cc: Settle, Jean
Subject: RE: 241 91 ELC March 13 Package Copy

Yes, that is correct. thank you, Terri

From: Laboy, Kristal [<mailto:klaboy@thetollroads.com>]
Sent: Wednesday, April 29, 2015 1:22 PM
To: Evans, Terri@CalOES
Cc: Settle, Jean
Subject: FW: 241 91 ELC March 13 Package Copy

Thank you for your response!

I've been asked to clarify – you DO NOT want to participate, correct?

From: Evans, Terri@CalOES [<mailto:terri.evans@CalOES.ca.gov>]
Sent: Wednesday, April 29, 2015 1:13 PM
To: Laboy, Kristal
Cc: Rabamad, Charles@CalOES
Subject: RE: 241 91 ELC March 13 Package Copy

Hello Kristal,
Please see response(s) below.
Thank you,
Terri Evans

From: Laboy, Kristal [<mailto:klaboy@thetollroads.com>]
Sent: Wednesday, April 29, 2015 9:16 AM
To: Evans, Terri@CalOES
Subject: FW: 241 91 ELC March 13 Package Copy

This is the correct verbiage.

This is a follow up to a March 13 letter that was federal expressed to Director Mark Ghilarducci to determine whether your agency would care to participate in a NEPA Supplemental Impact Statement for the SR 241/91 Direct Connector Project.

Appreciate your help!

Please indicate your response to the following and email back to me:

CA Governor's Office of Emergency Services (Cal OES) declines to be a NEPA Participating Agency for the SR-241/SR 91 express Lanes Connector project. ☐ Yes ☒ No

Please continue to include our agency in the distribution list when the environmental document is released for public review. ☐ Yes ☒ No

California Energy Commission

From: Sinsley, Lori@Energy [<mailto:lori.sinsley@energy.ca.gov>]
Sent: Wednesday, April 22, 2015 3:25 PM
To: Laboy, Kristal
Subject: RE: 241 91 ELC March 13 Package Copy

Thanks Kristal. I have no idea what this is about. We are not involved in this so no reason for us to be included. Thanks.

Lori Sinsley
California Energy Commission
1516 9th Street
Sacramento CA 95814
(916) 651-0488
lori.sinsley@energy.ca.gov



California Department of Forestry and Fire Prevention

From: Nehoda, Ken@CALFIRE <Ken.Nehoda@fire.ca.gov>
Sent: Tuesday, May 05, 2015 4:02 PM
To: Todd, Dale
Cc: Porter, Thomas@CALFIRE; Barley, Glenn@CALFIRE; Morones, Susan@CALFIRE
Subject: SR-241/SR-91 Express Lanes Connector Project

Thank You for the opportunity to provide comments on this project.

CALFIRE declines to be a NEPA Participating Agency for the SR-241 / SR-91 Express Lanes Connector Project for the following reasons: Our agency does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.

However, please continue to include our agency in the distribution list when the environmental document is released for public review.

California Natural Resources Agency

Heather Bawe at 916-653-8152 will not be responding to the letter since she "receives 50 of these a day." She only responds if it affects bonds and protected areas; otherwise, she will toss in trash.

California State Lands Commission

From: Hearnley, Diana@SLC <Diana.Hearnley@slc.ca.gov>
Sent: Tuesday, May 05, 2015 10:55 AM
To: Todd, Dale
Subject: RE: SR 241-SR 91 Express Lanes Connector Project...

Hi Dale,

Thank you for sending me the information on the SR 241-SR 91 Express Lanes Connector Project.

In looking it over I did not see that State Lands has any interest or jurisdiction for this project. I ran it past my supervisor who also agreed.

Therefore, we respectfully decline the invitation to participate. Please do not send us any further information regarding this project.

Thank you,

1



Diana Hearnley

Secretary
California State Lands Commission
100 Howe Avenue, Suite 100-S
Sacramento, CA 95825
☎ (916) 574-1890 M-F/9-3
Fax: (916) 574-1885
diana.hearnley@slc.ca.gov
Website: www.slc.ca.gov

🌱 Please consider the environment before printing - thank you.

*We Are Tireless In Our Efforts to Preserve Our Most Precious Resource,
THE WATERS OF THE STATE OF CALIFORNIA*



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California Transportation Commission

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SENATOR JIM BEALL, Ex Officio
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio

Will Kempton, Executive Director

STATE OF CALIFORNIA



EDMUND G. BROWN Jr., Governor

CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52
SACRAMENTO, CA 95814
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
FAX (916) 653-2134
(916) 654-4245
<http://www.catc.ca.gov>

April 21, 2015

Bahar Heydari
California Department of Transportation, District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612

RE: SR-241 / SR-91 Express Lanes Connector Supplemental Draft Environmental Impact
Report/Environmental Impact Statement

Dear Bahar Heydari,

The California Transportation Commission (Commission) received your letter with respect to the Supplemental Draft Environmental Impact Report/Environmental Impact Statement for the SR-241/SR-91 Express Lanes Connector (Project).

Since there are no indentified funds subject to Commission action at this time, the Commission has no role in this project's environmental process. However, if in the future, funds or other actions under the purview of the Commission are anticipated, please ensure that notification is provided to the Commission as a Responsible Agency. Consideration of the environmental impacts of a project are required prior to the Commission's allocation of funds for design, right of way or construction activities as well as for new public road connections and route adoptions.

If you have any questions, please contact Stephen Maller, Deputy Director, at (916) 653-2070.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Kempton".

WILL KEMPTON
Executive Director

c: Katrina Pierce, Chief, Caltrans Division of Environmental Analysis

California Department of Water Resources

From: Saenz, Erin@DWR [<mailto:Erin.Saenz@water.ca.gov>]
Sent: Monday, May 18, 2015 12:26 PM
To: Todd, Dale
Subject: RE: The SR 241 - SR 91 Express Lanes Connector Project..

*The California Department of Water Resources, Division of Flood Management declines to be a NEPA Participating Agency for the SR-241 / SR-91 Express Lanes Connector Project for the following reasons:
Our agency does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.*

*Erin Saenz
Executive Assistant to
Keith E. Swanson, Chief
Division of Flood Management
3310 El Camino Ave, Ste 120
Sacramento, CA 95821
(916) 574-0601*

California Water Resources Control Board

1. 4/21/15 voice mailbox for Lisa Babcock at 916-341-5797, not accepting messages
2. 4/30/15 voice mailbox for Lisa Babcock at 916-341-5797, not accepting messages
3. 4/30/15 e-mail correspondence sent to andrew.cooper@waterboards.ca.gov (Lisa's assistant, 916-341-5974), resent electronic copy of package, pending response
4. 5/5/15 due to no response by Lisa Babcock, Andrew has sent to a different department. Telephone discussion with Darrin Polhemus, General Water Board Division indicated contact should be Kurt Berchtold, Acting Deputy Director with SARWQCB. 951-782-3286 or 951-782-4130 kurt.berchtold@waterboards.ca.gov

NOTES:

SARWQCB has already accepted status as a Participating Agency
Lisa Babcock is now Manager in the UST Payments Section

Native American Heritage Commission

1. 4/22/15 voice message left in general voice mailbox 916-373-3710
2. 4/30/15 voice message left in general voice mailbox 916-373-3710
3. 5/1/15 voice message left in general voice mailbox 916-373-3710;

CONTACT ATTEMPTS TERMINATED - Non-Federal Agency - Declined Participating Agency Status assumed.

Riverside County TLMA

From: Williams, Russell [<mailto:RUWILLIA@rctlma.org>]
Sent: Wednesday, April 29, 2015 12:33 PM
To: Laboy, Kristal
Subject: FW: 241 91 ELC March 13 Package Copy

Kristal:

I am responding on behalf of Juan Perez of the Riverside County Transportation and Land Management Agency (TLMA). Please note we are not the March Joint Powers Authority as indicated in the email below. We decline to be a Participating Agency however we would like to see the ED during circulation.

Riverside County TLMA declines to be a NEPA Participating Agency for the SR-241/SR 91 express Lanes Connector project. ☒ Yes ☐ No

Please continue to include our agency in the distribution list when the environmental document is released for public review. ☒ Yes ☐ No

Russell Williams
Development Review Manager
County of Riverside Transportation Department
Phone: (951) 955-2016
Fax: (951) 955-0049
Email: ruwillia@rctlma.org

Nature Reserve of Orange County

From: James Sulentic <jsulentic@naturereserveoc.org>
Sent: Wednesday, April 22, 2015 10:24 AM
To: Todd, Dale
Cc: Milan Mitrovich, PhD
Subject: NROC Response to Caltrans Letter, RE: SR-241/SR-91 Express Lane

Good Morning Dale,

I want to thank you for the reminder. Milan Mitrovich and I reviewed the Caltrans letter dated March 13, 2015 regarding our organization serving as a participating agency for the SR-241 / SR-91 express lane connector supplemental draft EIS.

Based on our review of the letter and its attachments, and consistent with the mission of the organization, Nature Reserve of Orange County declines to be a NEPA Participating Agency for the SR-241 / SR-91 Express Lanes Connector Project for the following reasons: Our agency

does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.

However, please continue to include our agency in the distribution list when the environmental document is released for public review.

Please do not hesitate to contact me if you have any questions regarding this correspondence.

Sincerely,

Jim

--

James M. Sulentic
Executive Director
Nature Reserve of Orange County
15600 Sand Canyon Avenue
Irvine, CA 92618
(949) 453-3324 (office)
(949) 861-6135 (fax)
(949) 769-4468 (cell phone)

Orange County Clerk-Recorder

From: Arteaga, Martha <Martha.Arteaga@rec.ocgov.com>
Sent: Monday, April 27, 2015 3:49 PM
To: Todd, Dale
Subject: RE: 241 91 Express Lanes Connector Project Package Sent March 13..

The Orange County Clerk-Recorder declines to be a NEPA Participating Agency for the SR-241 / SR-91 Express Lanes Connector Project for the following reasons: Our agency does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.

Thank You,

Martha Arteaga
Senior Supervisor - Clerk Services
(714) 834-2692



Hugh Nguyen
Orange County Clerk-Recorder
Website: www.ocrecorder.com
[Subscribe to our newsletter](#)

From: Siddiqui, Najeeb
Sent: Tuesday, April 28, 2015 9:02 AM
To: 'Todd, Dale'
Subject: RE: 241 91 Express Lanes Connector Project Package Sent March 13..

Our agency Orange county Clerk-Recorder does not have jurisdiction, authority, or expertise/information relevant to the project and our agency does not intend to provide comments on the project.

Najeeb Siddiqui
Chief Deputy Clerk
(714) 834-2510



Hugh Nguyen
Orange County Clerk-Recorder
www.ocrecorder.com

Orange County LAFCO

From: Carolyn Emery <cemery@oclafco.org>
Sent: Thursday, April 30, 2015 5:16 PM
To: Settle, Jean
Subject: RE: Caltrans SR-241/91 Express Lanes Connector Project..

Hi Jean,

Thanks for the clarification. As mentioned in previous email sent to Dale, we will not be participating in the NEPA process for this project as a “participating agency” due to staff constraints and other project priorities. As noted, we appreciate being kept on your distribution list to keep informed of this project.

Let me know if you need additional information.

Carolyn Emery

Executive Officer
ORANGE COUNTY LAFCO
cemery@oclafco.org
714.640.5100



City of Irvine



Public Works Department

cityofirvine.org

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575

(949) 724-6000

April 9, 2015

Sylvia Vega
Deputy District Director
District 12 – Division of Environmental Analysis
3347 Michelson Drive, Suite 100
Irvine, CA 92612

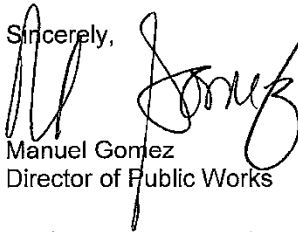
Dear Ms. Vega:

Thank you for your March 13 letter inviting the City of Irvine to become a Participating Agency for the SR-241/SR-91 Express Lanes Connector Supplemental Draft EIS.

The City appreciates Caltrans' willingness to include local agencies in the planning process for regional freeway projects. Primarily due to the location of the project, the City does not see the need to become a Participating Agency for the subject environmental analysis.

Please feel free to contact Katie Berg-Curtis, Project Development Administrator, at kberg@cityofirvine.org or 949-724-7347 if you have any questions or need additional information.

Sincerely,



Manuel Gomez
Director of Public Works

PRINTED ON RECYCLED PAPER

City of Orange

From: Frank Sun <fsun@cityoforange.org>
Sent: Tuesday, May 05, 2015 9:42 AM
To: Todd, Dale
Cc: Jennifer Le
Subject: RE: SR 241/SR91 Express Lanes Connector Project..

Hi Dale,

We think there's insignificant project impact to Orange but want to stay in the loop, so please continue to include our agency on your distribution list when the environmental document is released for public review.

Thanks

Frank Sun, P.E.
Deputy Director/City Engineer
Public Works Department
City of Orange
(714) 744-5529

City of Tustin

From: Stack, Doug [<mailto:DStack@tustinca.org>]
Sent: Wednesday, April 22, 2015 3:12 PM
To: Laboy, Kristal
Subject: RE: 241 91 ELC March 13 Package Copy

Kristal, don't quite understand the first question but regardless -

we support the project and believe it is critically needed to improve safety, travel time, connectivity and reduce PM Peak traffic congestion. The City of Tustin has no jurisdiction or authority, relatively no expertise or information relevant to the project and at this point does not intend to provide any further comment on the project.

Does that cover it???

/

Doug

DOUGLAS S. STACK, P.E.
Director of Public Works/City Engineer
City of Tustin, www.tustinca.org
p 714.573.3150 f 714.734.8991

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank you.

March Joint Powers Authority

From: Dan Fairbanks [<mailto:fairbanks@marchjpa.com>]
Sent: Tuesday, April 21, 2015 3:44 PM
To: Laboy, Kristal
Subject: RE: SR 241/91 Express Lanes Connector Project

Kristal,

Thanks for contacting me. Here is the information we discussed.

Dan Fairbanks, AICP
951 656-7000

From: Laboy, Kristal [<mailto:klaboy@thetollroads.com>]
Sent: Tuesday, April 21, 2015 1:31 PM
To: Dan Fairbanks
Subject: SR 241/91 Express Lanes Connector Project

Please indicate your response to the following and email back to me:

March Joint Powers Authority declines to be a NEPA Participating Agency for the SR-241/SR 91 express Lanes Connector project. ☒ Yes ☐ No

Please continue to include our agency in the distribution list when the environmental document is released for public review. ☒ Yes ☐ No

Thanks for your assistance!

Kristal Laboy
Transportation Corridor Agencies

Prado Regional Park

1. 4/22/15 Discussion with reception desk at 909-597-4260- No interest, will not reply in writing
2. 5/1/15 Discussion with reception desk at 909-597-4260 - Reconfirmed No Interest by Robert Fontaine, will not reply in writing

Appendix B: Agency Responses - Participating Agency Status Accepted

Federal Highway Administration

National Environmental Policy Act Assignment to Caltrans - Participating Agency invitation not required.

Caltrans (District 12)

National Environmental Policy Act Assignment to Caltrans - Participating Agency invitation not required.

Foothill/Eastern Transportation Corridor Agency

Project Sponsor - Participating Agency invitation not required.

Orange County Transportation Authority

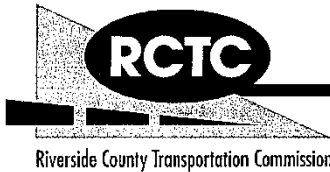
From: Doug Pekrul [<mailto:dpekru1@octa.net>]
Sent: Friday, April 10, 2015 2:31 PM
To: Vega, Sylvia I@DOT; Deshpande, Smita R@DOT; b.heydari@dot.ca.gov; D12 NOP241-91@DOT
Cc: Dan Phu; Pradeep Gunaratne; Rose Casey
Subject: SR-91/SR-241 Connector Project - Notice of Preparation

All,

Per the attached Notice of Preparation request, please be advised that OCTA will participate in the preparation of a Supplemental Draft Environmental Impact Report for the above subject project. Additionally, the contact person for this effort will be Pradeep Gunaratne at p.gunaratne@octa.net or 714-560-5648. If further information is required please so advise Pradeep and copy myself. Thank you.

Douglas Pekrul
Project Manager
Highway Programs
Orange County Transportation Authority
(714) 560-5822
dpekru1@octa.net

Riverside County Transportation Commission



4080 Lemon Street, 3rd Floor • Riverside, CA
Mailing Address: P. O. Box 12008 • Riverside, CA 92502-2208
(951) 787-7141 • Fax (951) 787-7920 • www.rctc.org

April 16, 2015

Ms. Sylvia Vega
Caltrans District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612

Subject: **Participating Agency Request and Notice of Preparation (NOP)/Notice of Intent (NOI)
for State Route 241/State Route 91 (SR-241/SR-91) Express Lanes Connector (ELC)
Supplemental Draft Environmental Impact Report/ Statement (SDEIR/S)**

Dear Ms. Vega,

Thank you for your recent letter requesting Riverside County Transportation Commission (RCTC) involvement with the California Department of Transportation (Caltrans) and the Foothill/Eastern Transportation Corridor Agency (F/ETCA) as a Participating Agency in accordance with the "Efficient Environmental Review Process" (23 USC 139) for the SR-241/SR-91 ELC. RCTC accepts the request to be a Participating Agency throughout the environmental process.

Furthermore, RCTC has reviewed the NOP/NOI for the SDEIR/S and has the following comments:

- The proposed project extends about 1.5 miles into Riverside County along SR-91. As such, the proposed project must be compatible with the under-construction SR-91 Express Lanes Project, as well as the SR-91/SR-71 Interchange Improvement Project currently in final design, right-of-way acquisition, and utility relocation phase of work.
- Impacts to existing 91 Express Lanes operations and maintenance, RCTC's 91 Express Lanes operations and maintenance planned to commence in 2017, and RCTC's estimated 91 Express Lanes toll revenue need to be analyzed and quantified.

If you have any questions, please contact Michael Blomquist at (951) 787-7141.

Sincerely,

Anne Mayer
Executive Director
Riverside County Transportation Commission

Cc: M. Blomquist and D. Thomas (RCTC)
S. Keel (Bechtel)

U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-OR-14B0086-15TA0332

APR 10 2015

Ms. Sylvia Vega
Deputy District Director
California Department of Transportation
District 12
3347 Michelson Drive, Suite 100
Irvine, California 92612-1692

Attention: Bahar Heydari, California Department of Transportation

Subject: Invitation to Become a Cooperating and/or Participating Agency on the SR-241 /
SR-91 Express Lanes Connector, Orange County and Riverside County, California

Dear Ms. Vega:

We received your letters dated March 13, 2015, requesting our participation as a cooperating and/or participating agency for the proposed SR-241/SR-91 Express Lanes Connector. At this time we are unable to act as a cooperating agency in the preparation of an Environmental Impact Statement for the project due to workload constraints.

However, we will continue to provide technical assistance as a participating agency in accordance with the project delivery provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). We appreciate the opportunity to participate in the transportation planning process and look forward to our continued coordination in these matters.

If you have any questions regarding this letter, please contact Sally Brown of this office at 760- 431-9440, extension 278.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

California Department of Fish and Wildlife

From: Dillingham, Tim@Wildlife
Sent: Monday, March 16, 2015 2:00 PM
To: Heydari, Bahar@DOT
Subject: Participating Agency/NOP for SR-241 and SR-91 Express Lanes Connector

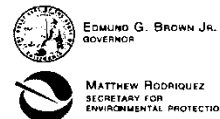
The Department has received your request for us to become a participating agency for the SR-241/SR-91 Express Lanes Connector SDEIS/SDEIR. The Department will accept this role, and as the liaison to Caltrans for the Department, I will be the designated person for the project, rather than Kevin Hupf, to whom the original letter was addressed. Please find my contact information below. I look forward to working with you on this project.

Thank you,

Tim Dillingham

Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4250

Santa Ana Regional Water Quality Control Board



Santa Ana Regional Water Quality Control Board

March 23, 2015

Sylvia Vega
Deputy District Director, Division of Environmental Analysis
California Department of Transportation
3347 Michelson Drive, Suite 100
Irvine, CA 92612

CALTRANS REQUEST FOR REGIONAL BOARD PARTICIPATION IN SR-241/SR-91 EXPRESS LANCES CONNECTOR IN ORANGE AND RIVERSIDE COUNTIES

Dear Sylvia Vega:

We have received and considered your March 13, 2015 request for the Santa Ana Regional Water Quality Control Board (RWQCB) to become a participating and cooperating agency in the environmental review of the referenced project (Project). The Project proposes to construct a median-to-median connector between the SR-241 and SR-91 express lanes.

As a responsible agency under the California Environmental Quality Act (CEQA), the RWQCB looks forward to contributing to this process. It will be advantageous for the environmental analysis of the Project to include consideration of all factors that must be addressed to comply with the environmental impact reporting provisions of CEQA, not just those factors needed to comply with NEPA. Doing so can facilitate obtaining permits from state agencies that are designated Trustee or Responsible agencies under CEQA, and who must make independent findings of a project's effects on the environment in their permitting process.

Please contact Glenn Robertson of our Regional Planning Programs Section at (951) 782-3259 (email: Glenn.Robertson@waterboards.ca.gov) and myself, at (951) 782-4992 (Stephen.Mayville@waterboards.ca.gov) with any questions.

Sincerely,

A handwritten signature in black ink, reading "Stephen D. Mayville".

Stephen D. Mayville, R.C.E.
Chief, Enforcement and Dairy Units
Caltrans Coordinator
Santa Ana Regional Water Quality Control Board

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER
3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

♻️ RECYCLED PAPER

Southern California Association of Governments

From: Daniel Tran [<mailto:tran@scag.ca.gov>]
Sent: Monday, April 13, 2015 2:46 PM
To: Heydari, Bahar@DOT
Cc: Naresh Amatya
Subject: Invitation to Become Participating Agency for SR-241/SR-91 Express Lanes Connector Supplemental DEIS

Hi Bahar,

It was nice speaking with you earlier this afternoon.

1

As I had mentioned in during our phone conversation, SCAG is interested in becoming a participating agency for the SR-241/SR-91 Express Lanes Connector project. I will be representing SCAG at the upcoming meetings and will be your point of contact should you have any questions. Therefore, I look forward to hearing from you soon.

If you have any questions please let me know.

Thank you,

Daniel Tran
Associate Regional Planner
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
818 West 7th Street, 12th Floor, Los Angeles, CA 90017
T: (213) 236-1883 | F: (213) 236-1963
E: tran@scag.ca.gov

Stay Connected 

*Join us for SCAG's 50th Anniversary Gala Celebration
at the 2015 Regional Conference & General Assembly,
May 7-8 @ the JW Marriott Desert Springs Resort & Spa
in Palm Desert. Register online: www.scag.ca.gov/ga2015.*

U.S. Bureau of Land Management

1. 4/22/15 voice message for Brandon G. Anderson, 760-833-7117
2. 4/27/15 voice message for Brandon G. Anderson
3. 4/30/15 voice message for Brandon G. Anderson
4. 5/1/15 voice message for Brandon G. Anderson

CONTACT ATTEMPTS TERMINATED - Participating Agency Status Assumed - Federal Agency

U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 13, 2015

Smita Deshpande
Caltrans District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612

Subject: Comments on Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement and Request to be a Participating Agency for the SR 241/SR 91 Express Lanes Connector

Dear Ms. Deshpande:

The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to provide feedback on the Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement for the SR-241/SR-91 Express Lanes Project, and the invitation to coordinate with Caltrans on this project as a Participating Agency as codified in 23 USC 139. EPA provides the following scoping comments pursuant to our role in the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality's Regulations for Implementing NEPA.

Correct Mailing Address

Please note that the appropriate EPA mailing address for this, and all Caltrans District 12 NEPA correspondence to EPA, is:

EPA Region IX
Environmental Review Section
75 Hawthorne Street, Mail Code ENF-4-2
San Francisco, CA 94105

The NEPA correspondence was incorrectly mailed to Steven John in our Southern California Field Office (600 Wilshire Boulevard). Please correct this information and share with your staff. While the Southern California Field Office is often copied on NEPA related matters, the San Francisco office houses our Environmental Review Section, and is the primary location where the Region 9 print copy of Draft and Final EISs are mailed concurrently with e-Filing. Please mail one hard copy of each Draft and Final EIS to the address above when following the e-Filing procedures.

Participating Agency and NEPA/404 MOU

We accept the invitation to be a Participating Agency and are available to review a proposed coordination plan and schedule, as well as the project's proposed purpose and need statement, range of alternatives, and Administrative Draft review documents. Should this project meet, or exceed, the 5 acre threshold to coordinate pursuant to the Integrated NEPA/404 MOU, we encourage Caltrans to invite

EPA and the Army Corps of Engineers to a kick-off meeting to discuss the NEPA/404 Integration process.

1994 Record of Decision and Substantive New Information

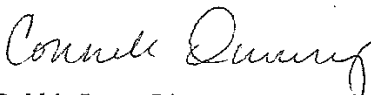

We understand that the proposed project is 8.7 mile segment within a more extensive project footprint that was analyzed in 1991 through 1994, with a Record of Decision prepared in 1994. As such, we support Caltrans intent to analyze the proposed project in the context of substantive new information that may have become available since the decision-making process twenty years ago. As discussed on the interagency call between our agencies last month, the adjacent transportation network and system of toll roads, HOV/HOT lanes, and general purpose lanes has changed greatly since 1994 and it will be important to accurately reflect how the proposed project will affect traffic distribution, congestion, and emissions in the project area in light of the changes that have occurred in the last twenty years. Please update our agency regarding substantive new information that leads to the identification of possible significant environmental impacts as the project studies are getting underway.

Transportation Conformity and Air Quality Impacts

Please continue to work with Karina O'Connor through the interagency consultation working group to confirm whether or not the proposed project is a Project of Air Quality Concern and may require analysis of project-level transportation conformity. As discussed during the interagency call last month, we recommend that this project's air quality impacts be considered in the context of full build out of adjacent transportation infrastructure projects in the region. Given the area's poor air quality, EPA also recommends identifying the most stringent measures available to reduce air quality impacts during both construction and operation of the facility. We further recommend confirming these commitments in the Record of Decision, and including them as required elements in contractor specifications.

EPA values the opportunity to be involved in early coordination on this transportation project. We hope that this involvement will lead to more efficient project planning and improved environmental and public health outcomes. As discussed above, please also update your agency mailing list to reflect the mailing address above and Debbie Lowe Liang as the EPA contact for this project. When the next phase of the environmental analysis provides an opportunity for EPA coordination, feel free to contact me at lowe.debbie@epa.gov or by phone at 415-947-4155.

Sincerely,


 Debbie Lowe Liang
Environmental Review Section

CC Via Email: Brenda Powell-Jones, Caltrans Headquarters
Chris Flynn, Caltrans Headquarters
Valerie McFall, Transportation Corridor Agency

Cal Recycle

From: Fujii, Bob@CalRecycle <Bob.Fujii@CalRecycle.ca.gov>
Sent: Friday, April 24, 2015 8:54 AM
To: Todd, Dale
Cc: Rodriguez, Monica@CalRecycle; Smyth, Brenda@CalRecycle; Levenson, Howard@CalRecycle; Pogue, Kyle@CalRecycle
Subject: RE: The SR 241/91 Express Lanes Connector Packet..

Hi Dale,

CalRecycle will be serving as a NEPA participating agency for the SR-241 / SR-91 Express Lanes Connector Project. I will be the point of contact for any correspondence related to this project. My contact information is shown below. Thank you for giving us the opportunity to participate.

Bob

Robert E Fujii, PE.
Senior Waste Management Engineer
State-wide Technical and Analytical Resources Branch

CalRecycle
1001 I Street
Sacramento, CA 95812-4025

Phone: 916-341-6419
Fax: 916-319-7564

California Highway Patrol

From: "Paez, Febe@CHP" <FPaez@chp.ca.gov>
Date: May 19, 2015 at 8:24:01 AM PDT
To: "dlowe@thetollroads.com" <dlowe@thetollroads.com>
Cc: "Alvarez, Mike@CHP" <MIAlvarez@chp.ca.gov>
Subject: CHP Contact Info

Good morning Mr. Lowe,

I spoke to Dale Todd to give her the information of the Commanders who oversee SR-241 and SR-91 to attend the next planning meeting, but she said to speak to you. Per our phone conversation, below is the contact info:

Sector Chief – Assistant Chief John Antillon (858) 650-3700
Capistrano – Captain Jim Fonseca (949) 487-4000
Santa Ana – Acting Commander Lt. Brent Pembleton (714) 567-6000
Westminster – Captain Don Goodbrand (714) 892-4426

If you need additional information, I can be reached at the number below. Have a great day!



Febe Paez Garcia
Executive Secretary

CHP Border Division
9330 Farnham Street
San Diego, CA 92123
(858) 650-3706 Desk
(858) 637-7133 Fax

Office of Historic Preservation

Verbal Acceptance on 4/27/15 by Natalie Lungquist for Dr. Carol Roland-Nawi.

California Department of Parks and Recreation - Chino Hills State Park-Inland Empire District

Verbal Acceptance on 4/22/15 by Ryan Gill for Lisa Mangat and Gary Watts.

Note: John Rowe is no longer with Chino Hills State Park

California Office of Planning and Research / State Clearinghouse

From: Natalie Murphey <Natalie.Murphey@GOV.CA.GOV>
Sent: Wednesday, April 22, 2015 2:44 PM
To: Todd, Dale
Subject: RE: SR 241/91 Express Lanes Connector Project Packet you Requested..

The only number I have is 322-2318. Hope they can direct you to him.

From: Todd, Dale [<mailto:dtodd@thetollroads.com>]
Sent: Wednesday, April 22, 2015 2:33 PM
To: Natalie Murphey
Subject: RE: SR 241/91 Express Lanes Connector Project Packet you Requested..

This is great Natalie.

Can you send me a number for Chris or should I just use the main number?

Dale

From: Natalie Murphey [<mailto:Natalie.Murphey@GOV.CA.GOV>]
Sent: Wednesday, April 22, 2015 12:14 PM
To: Todd, Dale
Cc: Christopher Calfee
Subject: RE: SR 241/91 Express Lanes Connector Project Packet you Requested..

Hello,

Ken would like to participate. He asked that you contact Chris Calfee for this matter.

Thank you

California Public Utilities Commission

Verbal Acceptance on 5/5/15 by Pamela Gavin-Watts
Pending Staff Person Delegation
Note: Denise Tyrrell is no longer with the Los Angeles Office.

San Bernardino Associated Governments



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Floor San Bernardino, CA 92410-1715
Phone: (909) 884-8276 Fax: (909) 885-4407 Web: www.sanbag.ca.gov



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

April 23, 2015

Bahar Heydari
Caltrans District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612

RE: Becoming a Participating Agency for SR-241 / SR-91 Express Lanes Connector Supplemental Draft EIS

Dear Mr. Heydari,

This letter is to confirm that San Bernardino Associates Governments (SANBAG) is interested in participating in the SR-241 / SR-91 Express Lanes Connector Supplemental Draft EIS.

We understand that this letter is getting to you after the requested due date, but we do hope that we will still be able to participate in the review of this project. If you have any questions or need any additional information, please do not hesitate to contact me at (909)884-8276.

Sincerely,

Garry Cohoe
Director of Project Delivery

South Coast Air Quality Management District

Verbal Acceptance on 5/6/15 by Jilian Wong.

Orange County Flood

Verbal Acceptance on 4/21/15 by Jeff Dickman.

Orange County Parks

Verbal Acceptance on 4/21/15 by Ericka Rivera for Stacy Blackwood.

Santa Ana Watershed Project Authority



Santa Ana Watershed Project Authority

OVER 45 YEARS OF INNOVATION, VISION, AND WATERSHED LEADERSHIP

One Water One Watershed

AWRA INTEGRATED WATER RESOURCES MANAGEMENT AWARD

HARVARD KENNEDY SCHOOL'S TOP 25 INNOVATIONS IN AMERICAN GOVERNMENT



March 16, 2015

Donald D. Galleano
Commission
Chair

Sylvia Vega
Deputy District Director
Department of Transportation
3347 Michelson Drive, Suite 100
Irvine, CA 92612

Celeste Cantú
General
Manager

**RE: Invitation to Become Participating Agency for SR-241 / SR-91 Express Lanes
Connector Supplemental Draft EIS**

Orange
County
Water
District

Dear Ms. Vega:

In response to your letter of March 13, 2015, the Santa Ana Watershed Project Authority accepts your invitation to become a participating agency for the SR-241 / SR-91 Express Lanes Connector Supplemental Draft EIS.

Western
Municipal
Water District

Please coordinate with Richard E. Haller, P.E., Executive Manager Engineering and Operations, at (951) 354-4240 or rhaller@sawpa.org for all work tasks associated with this project.

Eastern
Municipal
Water
District

Thank you for the opportunity to participate in the interagency coordination of this project review and look forward to working with the Department of Transportation.

San
Bernardino
Valley
Municipal
Water
District

Sincerely,

A handwritten signature in black ink, appearing to read "Zyanya Blancas".

Zyanya Blancas
Administrative Assistant

Inland
Empire
Utilities
Agency

11615 Sterling Avenue, Riverside, CA 92503 • 951.354.4220
www.sawpa.org • www.sawpa.org/OWOW



City of Anaheim

Verbal Acceptance on 4/21/15 by Susan Kim for Linda N. Andal. Agency indicated California Environmental Quality Act Notice of Preparation comments should constitute as acceptance of Participating Agency Status.

City of Corona

Verbal acceptance on 4/22/15 by Nelson Nelson.

City of Yorba Linda

From: Rick Yee [<mailto:Ryee@yorba-linda.org>]
Sent: Friday, May 01, 2015 12:03 PM
To: Laboy, Kristal
Subject: RE: 241 91 ELC March 13 Package Copy

Kristal – Please include us as a participating agency for the SR241/91 project environmental review.

Thanks

Rick Yee, PE | Assistant City Engineer
City of Yorba Linda
Public Works Engineering Department
4845 Casa Loma Avenue
Yorba Linda, CA 92885



1 P (714) 961-7171
1 F (714) 986-1010
1 ryee@yorba-linda.org
1 www.ci.yorba-linda.ca.us

Native American Consultation and Coordination

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SECTION 106 NATIVE AMERICAN CONTACT RECORD

Proposed State Route 241/State Route 91 Direct Connector Project, Orange County, California

Date LSA Requested the Sacred Lands File Search from the Native American Heritage Commission (NAHC): April 6, 2011

Date the Native American Heritage Commission Replied: April 12, 2011.

Results of the Sacred Lands File Search: Native American cultural resources were not identified within 1/2-mile of the project Area of Potential Effects (APE). However, resources were identified in close proximity to the APE. The NAHC recommended that LSA contact the groups/individuals listed below who may have knowledge of cultural resources that could be impacted by the project.

Groups Contacted	Date LSA Sent Letter to Tribes	Date a Response to the Letter was Received by LSA	Date and Results of LSA Follow-up Telephone Calls and/or emails
Ti'At Society/Inter-Tribal Council of Pimu Cindi M. Alvitre, Chairwoman-Manisar <i>Gabrielino</i>	05-10-11	No response received.	05-31-11: A follow up email was sent to Ms. Alvitre. 06-07-11: A second follow up email was sent to Ms. Alvitre.
Gabrielino Tongva Nation Sam Dunlap, Chairperson <i>Gabrielino Tongva</i>	05-10-11	No response received.	05-31-11: A follow up email was sent to Mr. Dunlap. 06-07-11: A second follow up email was sent to Mr. Dunlap. 06-14-11: Mr. Dunlap responded by email to say that if there is no potential for cultural resources to be impacted because construction will be in previously disturbed soil, then he has no concerns.
Juaneño Band of Mission Indians Acjachemen Nation David Belardes, Chairperson <i>Juaneño</i>	05-10-11	No response received.	Please see Joyce Perry, below. She is the spokesperson for cultural resources.
Juaneño Band of Mission Indians Acjachemen Nation Anthony Rivera, Chairman <i>Juaneño</i>	05-10-11	No response received.	05-31-11: A follow up email was sent to Mr. Rivera. 06-07-11: A second follow up email was sent to Mr. Rivera.
Tongva Ancestral Territorial Tribal Nation John Tommy Rosas, Tribal Administrator <i>Gabrielino Tongva</i>	05-10-11 (via email)	No response received.	05-31-11: A follow up email was sent to Mr. Rosas. 06-07-11: A second follow up email was sent to Mr. Rosas.
Gabrielino Tongva Indians of California Tribal Council Robert F. Dormae, Tribal Chair/Cultural Resources <i>Gabrielino Tongva</i>	05-10-11	No response received.	05-31-11: A follow up email was sent to Mr. Dormae. 06-07-11: Mr. Dormae would like to be notified of any discoveries.

Groups Contacted	Date LSA Sent Letter to Tribes	Date a Response to the Letter was Received by LSA	Date and Results of LSA Follow-up Telephone Calls and/or emails
Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson <i>Gabrielino Tongva</i>	05-10-11	05-13-11: Mr. Morales called to state that he knows there are cultural resources around the base of the foothills and he hopes the project proponents will be vigilant. He is aware that the project area is disturbed by previous freeway construction; however he recommends monitoring by an archaeologist and a Native American when construction activities are in deeply buried intact native soil (for example, when digging deep for the support structures) as there is potential to encounter buried cultural resources.	Not applicable.
Juaneño Band of Mission Indians Alfred Cruz, Cultural Resources Coordinator <i>Juaneño</i>	05-10-11	No response received.	05-31-11: A voicemail was left for Mr. Cruz. 06-07-11: A follow up email was sent to Mr. Cruz. 06-08-11: Mr. Cruz called and left a voicemail. 06-10-11: Mr. Cruz called to say that he believes the area to be sensitive for cultural resources given its proximity to the Santa Ana River. Also, his people inhabited the area for over 9000 years and the SR 91 runs along what used to be ancient travel and trading routes. There is no way to know the extent of what is there. For this reason, he recommends monitoring by a Native American and an archaeologist when construction activities are in undisturbed native soil.
Gabrielino-Tongva Tribe Bernie Acuna <i>Gabrielino</i>	05-10-11	No response received.	05-31-11: The message on the cell phone number provided said, "unavailable". An administrator at the office number referred the call to Linda Candelaria. See below.

Groups Contacted	Date LSA Sent Letter to Tribes	Date a Response to the Letter was Received by LSA	Date and Results of LSA Follow-up Telephone Calls and/or emails
Juaneño Band of Mission Indians Acjachemen Nation Joyce Perry, Representing Tribal Chairperson <i>Juaneño</i>	05-10-11	No response received.	05-31-11: A voicemail was left for Ms. Perry. 06-07-11: A second voicemail was left for Ms. Perry. 06-10-11: The letter was returned as "unclaimed".
Gabrielino-Tongva Tribe Linda Candelaria, Chairwoman <i>Gabrielino</i>	05-10-11	No response received.	05-31-11: A voicemail was left for Ms. Candelaria; Bernie Acuna was also referenced. 06-07-11: An follow up email was sent to Ms. Candelaria; Mr. Acuna was also copied.

April 6, 2011

Dave Singleton
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Subject: Sacred Lands File Search for the SR-241/SR-91 Direct Connector Project, Orange
County, California

Dear Mr. Singleton:

Attached please find a portion of one United States Geological Survey (USGS) 7.5-minute topographic quadrangle map. Plotted on the map is the location of the proposed SR-241/SR-91 Direct Connector Project, Orange County, California. Specifically, the project is situated in Township 4 South, Range 8 West, in Irvine Ranch Sections 23, 25, 26, and 28; and Township 3 South, Range 8 West, in Irvine Ranch Sections 28, 30, and 32, of the *Black Star Canyon, California* USGS topographic quadrangle map (San Bernardino Baseline and Meridian). A map showing the project area is attached.

There will be ground disturbance associated with this project. Per Section 106 of the National Historic Preservation Act, LSA is requesting a Sacred Lands File search for the project area. Please notify LSA of any Traditional Cultural Properties (TCPs) and/or sacred sites that may be impacted.

I will anticipate a response within 10 working days from your receipt of this request. If you have any questions or comments, please contact me at (949) 553-0666 or you may e-mail me at terri.fulton@lsa-assoc.com. As always, thank you very much for your assistance with this project.

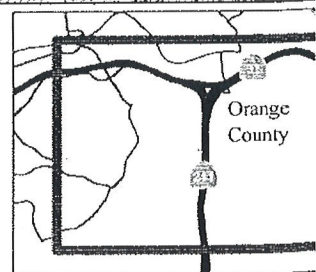
Best Regards,

LSA ASSOCIATES, INC.



Terri Fulton
Archaeologist/Senior Cultural Resources Manager
Native American Consultation

Attachments: Portion of one USGS map



TRANSMISSION VERIFICATION REPORT

TIME : 04/06/2011 14:25
NAME :
FAX :
TEL :
SER.# : 000C5J225683

DATE, TIME
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LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614

949.553.0666 TEL
949.553.8075 FAX

BERKELEY
CARLSBAD
PORT COLLINS

FRESNO
PALM SPRINGS
POINT RICHMOND

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
S. SAN FRANCISCO

April 6, 2011

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Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Subject: Sacred Lands File Search for the SR-241/SR-91 Direct Connector Project, Orange County, California

Dear Mr. Singleton:

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STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

815 CAPITOL MALL, ROOM 264
SACRAMENTO, CA 95814
(916) 653-8251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



April 12, 2011

Ms. Terri Fulton, Archaeologist, Senior Cultural Resources Manager

LSA ASSOCIATES, INC.

20 Executive Park, Suite 200
Irvine, CA 92614

Sent by FAX to: 949-553-8076

No. of Pages: 4

Re: Request for a Sacred Lands File Search and Native American Contacts list for the
State Route 241/State Route 91 Direct Connector Project" located in Orange
County, California

Dear Ms. Fulton:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC Sacred Lands File (SLF) search resulted in the following: **Native American cultural resources were not identified** within ½ mile of the area of potential effect (e.g. APE). However, there are Native American cultural resources in close proximity to the APE.

The California Environmental Quality Act (CEQA – CA Public Resources Code §§ 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. CA Government Code §65040.12(e) defines "environmental justice" provisions and is applicable to the environmental review processes.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). We urge consultation with those tribes and interested Native Americans on the list of Native American Contacts we attach to this letter in order to see if your proposed project might impact Native American cultural resources. Lead agencies should consider avoidance as defined in §15370 of the CEQA Guidelines when significant cultural resources as defined by the CEQA Guidelines §15064.5 (b)(c)(f) may be affected by a proposed project. If so, Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "substantial."

Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) for pertinent archaeological data within or near the APE, at the California Office of Historic Preservation (916) 446-7000.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq*. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

Also, California Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contact List
Orange County
April 12, 2011

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
6515 E. Seaside Walk, #C Gabrielino
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
(949) 493-4933 - home
chiefdavidbelardes@yahoo.
com
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-8567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dormae, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Culural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed S.R. 241 / S.R. 91 Directo Connector Project; located in northern Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Native American Contact List
Orange County
April 12, 2011

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(310) 587-2203
(310) 428-7720 - cell
(310) 587-2281 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
310-428-5767- cell
(310) 587-2281 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed S.R. 241 / S.R. 91 Directo Connector Project; located in northern Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.



LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200 949.553.0665 TEL
IRVINE, CALIFORNIA 92614 949.553.8076 FAX

BERKELEY
CARLSBAD
FORT COLLINS

FRESNO
PALM SPRINGS
POINT RICHMOND

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

May 10, 2011

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Administrator
Via E-mail to: tattnlaw@gmail.com

Subject: Native American Consultation for the Proposed State Routes 241/91 Express Lanes Direct
Connector Project, Orange County, California

Dear Mr. Rosas:

The Transportation Corridor Agencies (TCA), in cooperation with the California Department of Transportation (Department) proposes to construct new high-occupancy vehicle (HOV) connectors between State Route 241 (SR-241) and State Route 91 (SR-91). The connectors would bring HOV lanes from the median of northbound SR-241 to the existing eastbound SR-91 Express Lanes, which transition to one HOV lane at Green River Road on SR-91. The reverse movement would also be accommodated from the westbound SR-91 Express Lanes to the median of southbound SR-241. A parallel lane that tapers back into the existing SR-91 Express Lanes would be needed for the northbound SR-241 to eastbound SR-91 movement. A map of the project area is attached.

Section 106 of the National Historic Preservation Act requires that federal undertakings such as this consider the effect they may have on historic properties. These include properties of traditional religious and cultural significance to Native American tribes. Government-to-government relationships, as required by federal law, include the identification of an individual designated by a Tribe for the purposes of consultation. LSA Associates, Inc. (LSA) is contacting you on behalf of the Department as part of the Section 106 process.

To determine whether any historic properties may be affected by the project, a records search is being conducted at the South Central Coastal Information Center, located at California State University, Fullerton. The Native American Heritage Commission (NAHC) has also been asked to perform a Sacred Lands File (SLF) search. The results of the SLF **did not** identify Native American cultural resources within 0.5 mile of the project Area of Potential Effects (APE). However, **there are** Native American cultural resources in close proximity to the APE. Your name has been provided by the NAHC as someone who may have information or concerns regarding this project and its potential to impact cultural resources.

If you know of any cultural resources that may be of religious and/or cultural significance to your community that could be affected by this project, or if you would like more information, please do not hesitate to contact me at the above telephone number or address, or by e-mail at terri.fulton@lsa-assoc.com. If I do not receive a response from you in the near future, I will contact you again to discuss any comments or concerns that you may have. As always, your time and involvement in this process is important and very much appreciated.

Respectfully,

LSA ASSOCIATES, INC.

Terri Fulton
Native American Consultation Coordinator

Attachment: United States Geological Survey (USGS) Map



LEGEND

- Existing Caltrans ROW
- Area of Potential Effects (APE)
- Road on Structure



0 1000 2000
FEET

SOURCE USGS 7.5' QUAD - BLACK STAR CANYON (86)

FRBFI101GIS\APE_USGS_Base.mxd (4/5/11)

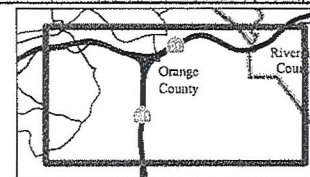


FIGURE 1

SR-91 Express Lanes Extension
and SR-241 Connector
Area of Potential Effects

Transportation Conformity Working Group Determination

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PM Hot Spot Analysis Project Lists

Review of PM Hot Spot Interagency Review Forms

April, 2015	Determination
<u>I605LiveOakOffRamp April 2015</u>	Not a POAQC - Hot Spot Analysis Not Required
<u>LA0G086 April 2015 Tracked</u> <u>LA0G086 April 2015</u>	Reaffirmed not a POAQC - Hot Spot Analysis Not Required
<u>ORA111207Memo April 2015</u>	Reaffirmed not a POAQC - Hot Spot Analysis Not Required
<u>RIV121202 April 2015</u>	Not a POAQC - Hot Spot Analysis Not Required
<u>2002160Interchange April 2015</u>	Not a POAQC - Hot Spot Analysis Not Required
<u>2002160Widening April 2015</u>	Not a POAQC - Hot Spot Analysis Not Required